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AMENDMENTS

2003—Pub. L. 108–136, div. A, title V, § 576(a)(2), Nov. 24, 2003, 117 Stat. 1487, added item for chapter 375.

2000—Pub. L. 106–398, § 1 [[div. A], title III, § 344(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–71, added item for chapter 434.

1999—Pub. L. 106–65, div. A, title VII, § 721(c)(7), Oct. 5, 1999, 113 Stat. 695, substituted ''Disposition'' for ''Inquests; Disposition'' and ''4712'' for ''4711'' in item for chapter 445.

1994—Pub. L. 103–337, div. A, title XVI, § 1672(a), Oct. 5, 1994, 108 Stat. 3015, struck out items for chapters 337 ''Appointments as Reserve Officers'', 361 ''Separation for Various Reasons'', and 363 ''Separation or Transfer to Retired Reserve''.

1993—Pub. L. 103–160, div. A, title VIII, § 828(b)(2), Nov. 30, 1993, 107 Stat. 1714, struck out item for chapter 431 ''Industrial Mobilization, Research, and Development''.

1987—Pub. L. 100–26, § 7(j)(10)(A), Apr. 21, 1987, 101 Stat. 283, substituted ''3011'' for ''3010'' as section number in item for chapter 303.

1980—Pub. L. 96–513, title V, §§ 502(1), 512(1), Dec. 12, 1980, 94 Stat. 2909, 2929, substituted ''3010'' for ''3011'' as section number in item for chapter 303, and struck out item for chapter 359 ''Separation from Regular Army for Substandard Performance of Duty'', item for chapter 360 ''Separation from Regular Army for Moral or Professional Dereliction or in Interests of National Security'', and item for chapter 365 ''Retirement for Age''.

1968—Pub. L. 90–377, § 3, July 5, 1968, 82 Stat. 288, struck out item for chapter 351 ''United States Disciplinary Barracks''.

Pub. L. 90–235, § 8(5), Jan. 2, 1968, 81 Stat. 764, struck out item for chapter 347 ''The Uniform''.

1964—Pub. L. 88–647, title III, § 301(11), Oct. 13, 1964, 78 Stat. 1072, struck out item for chapter 405 ''Reserve Officers' Training Corps''.

1960—Pub. L. 86–616, §§ 2(b), 3(b), July 12, 1960, 74 Stat. 388, 390, substituted ''Substandard Performance of Duty'' for ''Failure to Meet Standards'' in item for of chapter 359 and added item for chapter 360.

1958—Pub. L. 85–861, § 1(95), Sept. 2, 1958, 72 Stat. 1487, substituted ''3841'' for ''[No present sections]'' in item for chapter 363.

PART I—ORGANIZATION

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AMENDMENTS

1987—Pub. L. 100–26, § 7(j)(10)(A), Apr. 21, 1987, 101 Stat. 283, substituted ''3011'' for ''3010'' as section number in item for chapter 303.

1980—Pub. L. 96–513, title V, § 512(1), Dec. 12, 1980, 94 Stat. 2929, substituted ''3010'' for ''3011'' as section number in item for chapter 303.

CHAPTER 301—DEFINITIONS

Sec.
3001. Definitions.

§ 3001. Definitions

In this title, the term ''Army'' means the Army or Armies referred to in the Constitution of the United States, less that part established by law as the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 157; Pub. L. 100–26, § 7(k)(8), Apr. 21, 1987, 101 Stat. 284.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3001	5:181–3(a). 10:1a(a).	June 28, 1950, ch. 383, § 2(a), 64 Stat. 263.

The words ''Army of the United States'' and ''are synonymous and'' are omitted as surplusage, since the

term ''Army'' is used throughout the revised title. 5:181–3(a) (last sentence) and 10:1a(a) (last sentence) are omitted as surplusage.

AMENDMENTS

1987—Pub. L. 100–26 inserted ''the term'' after ''In this title,''.

CHAPTER 303—DEPARTMENT OF THE ARMY

Sec.
3011. Organization.
3012. Department of the Army: seal.
3013. Secretary of the Army.
3014. Office of the Secretary of the Army.
3015. Under Secretary of the Army.
3016. Assistant Secretaries of the Army.
3017. Secretary of the Army: successors to duties.
3018. Administrative Assistant.
3019. General Counsel.
3020. Inspector General.
3021. Army Reserve Forces Policy Committee.
3022. Financial management.
3023. Chief of Legislative Liaison.
3024. Director of Small Business Programs.

AMENDMENTS

2006—Pub. L. 109–163, div. A, title IX, § 904(c)(2), Jan. 6, 2006, 119 Stat. 3401, added item 3024.

2002—Pub. L. 107–314, div. A, title V, § 504(c)(1)(B), Dec. 2, 2002, 116 Stat. 2532, added item 3023.

1988—Pub. L. 100–456, div. A, title VII, § 702(a)(3), Sept. 29, 1988, 102 Stat. 1994, added item 3022.

1986—Pub. L. 99–433, title V, § 501(b), Oct. 1, 1986, 100 Stat. 1039, amended analysis generally, substituting items 3011 to 3021 for former items 3010 to 3019.

1967—Pub. L. 90–168, § 2(17), Dec. 1, 1967, 81 Stat. 524, added item 3019.

1964—Pub. L. 88–426, title III, §§ 305(40)(B), 306(j)(2), Aug. 14, 1964, 78 Stat. 427, 431, struck out ''; compensation'' from item 3012, and struck out item 3018 ''Compensation of General Counsel''.

1962—Pub. L. 87–651, title II, § 210(b), Sept. 7, 1962, 76 Stat. 524, added item 3010.

1958—Pub. L. 85–861, § 1(59)(B), Sept. 2, 1958, 72 Stat. 1462, added item 3018.

[§ 3010. Renumbered § 3011]

§ 3011. Organization

The Department of the Army is separately organized under the Secretary of the Army. It operates under the authority, direction, and control of the Secretary of Defense.

(Added Pub. L. 87–651, title II, § 210(a), Sept. 7, 1962, 76 Stat. 524, § 3010; renumbered § 3011, Pub. L. 99–433, title V, § 501(a)(2), Oct. 1, 1986, 100 Stat. 1034.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3010	5:171a(c)(7) (1st sentence, as applicable to Department of Army).	July 26, 1947, ch. 343, § 202(c)(7) (1st sentence, as applicable, to Department of Army); added Aug. 6, 1958, Pub. L. 85–599, § 3(a) (1st sentence of 8th par., as applicable to Department of Army), 72 Stat. 516.

The word ''operates'' is substituted for the words ''shall function''.

PRIOR PROVISIONS

A prior section 3011 was renumbered section 3012 of this title.

§ 3012. Department of the Army: seal

The Secretary of the Army shall have a seal for the Department of the Army. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

(Aug. 10, 1956, ch. 1041, 70A Stat. 157, § 3011; renumbered § 3012, Pub. L. 99–433, title V, § 501(a)(2), Oct. 1, 1986, 100 Stat. 1034.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3011	5:181–1(d).	July 26, 1947, ch. 343, § 205(d), 61 Stat. 501.

The words ''of office'' are omitted as surplusage.

PRIOR PROVISIONS

A prior section 3012 was renumbered section 3013 of this title and subsequently repealed.

§ 3013. Secretary of the Army

(a)(1) There is a Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Army.

(2) A person may not be appointed as Secretary of the Army within five years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army, including the following functions:

(1) Recruiting.

(2) Organizing.

(3) Supplying.

(4) Equipping (including research and development).

(5) Training.

(6) Servicing.

(7) Mobilizing.

(8) Demobilizing.

(9) Administering (including the morale and welfare of personnel).

(10) Maintaining.

(11) The construction, outfitting, and repair of military equipment.

(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army is also responsible to the Secretary of Defense for—

(1) the functioning and efficiency of the Department of the Army;

(2) the formulation of policies and programs by the Department of the Army that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

(3) the effective and timely implementation of policy, program, and budget decisions and

instructions of the President or the Secretary of Defense relating to the functions of the Department of the Army;

(4) carrying out the functions of the Department of the Army so as to fulfill the current and future operational requirements of the unified and specified combatant commands;

(5) effective cooperation and coordination between the Department of the Army and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

(6) the presentation and justification of the positions of the Department of the Army on the plans, programs, and policies of the Department of Defense; and

(7) the effective supervision and control of the intelligence activities of the Department of the Army.

(d) The Secretary of the Army is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

(e) After first informing the Secretary of Defense, the Secretary of the Army may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

(f) The Secretary of the Army may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

(g) The Secretary of the Army may—

(1) assign, detail, and prescribe the duties of members of the Army and civilian personnel of the Department of the Army;

(2) change the title of any officer or activity of the Department of the Army not prescribed by law; and

(3) prescribe regulations to carry out his functions, powers, and duties under this title.

(Added Pub. L. 99–433, title V, § 501(a)(5), Oct. 1, 1986, 100 Stat. 1035; amended Pub. L. 99–661, div. A, title V, § 534, Nov. 14, 1986, 100 Stat. 3873; Pub. L. 108–136, div. A, title IX, § 901, Nov. 24, 2003, 117 Stat. 1558.)

PRIOR PROVISIONS

A prior section 3013, acts Aug. 10, 1956, ch. 1041, 70A Stat. 157, § 3012; Sept. 2, 1958, Pub. L. 85–861, § 1(57), 72 Stat. 1462; Sept. 7, 1962, Pub. L. 87–651, title II, § 211, 76 Stat. 524; Aug. 14, 1964, Pub. L. 88–426, title III, §§ 305(2), 306(j)(1), 78 Stat. 422, 431; Nov. 2, 1966, Pub. L. 89–718, § 22, 80 Stat. 1118; renumbered § 3013, Oct. 1, 1986, Pub. L. 99–433, title V, § 501(a)(2), 100 Stat. 1034, related to Secretary of the Army, powers and duties, and delegations, prior to repeal by Pub. L. 99–433, § 501(a)(5).

Another prior section 3013 was renumbered section 3014 of this title and subsequently repealed.

AMENDMENTS

2003—Subsec. (c)(4). Pub. L. 108–136 struck out ''(to the maximum extent practicable)'' after ''fulfill''.

1986—Subsec. (a)(2). Pub. L. 99–661 substituted ''five years'' for ''10 years''.

EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE

Pub. L. 111–84, div. B, title XXVIII, § 2807, Oct. 28, 2009, 123 Stat. 2663, provided that:

''(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

''(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.''

SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS

Pub. L. 111–84, div. B, title XXVIII, § 2825, Oct. 28, 2009, 123 Stat. 2668, provided that: ''In selecting the military installations at which brigade combat teams will be stationed, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.''

ARMY TRAINING STRATEGY FOR BRIGADE-BASED COMBAT TEAMS AND FUNCTIONAL SUPPORTING BRIGADES

Pub. L. 109–163, div. A, title III, § 353, Jan. 6, 2006, 119 Stat. 3203, provided that:

''(a) TRAINING STRATEGY.—

''(1) STRATEGY REQUIRED.—The Secretary of the Army shall develop and implement a strategy for the training of brigade-based combat teams and functional supporting brigades in order to ensure the readiness of such teams and brigades.

''(2) ELEMENTS.—The training strategy under paragraph (1) shall include the following:

''(A) A statement of the purpose of training for brigade-based combat teams and functional supporting brigades.

''(B) Performance goals for both active-component and reserve-component brigade-based combat teams and functional supporting brigades, including goals for live, virtual, and constructive training.

''(C) Metrics to quantify training performance against the performance goals specified under subparagraph (B).

''(D) A process to report the status of collective training to Army leadership for monitoring the training performance of brigade-based combat teams and functional supporting brigades.

''(E) A model to quantify, and to forecast, operation and maintenance funding required for each fiscal year to attain the performance goals specified under subparagraph (B).

''(3) TIMING OF IMPLEMENTATION.—The Secretary of the Army shall develop and implement the training strategy under paragraph (1) as soon as practicable.

''(b) REPORT.—

''(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act [Jan. 6, 2006], the Secretary of the Army shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the training strategy developed under subsection (a).

''(2) ELEMENTS.—The report under paragraph (1) shall include the following:

''(A) A discussion of the training strategy developed under subsection (a), including a description of the performance goals and metrics developed under that subsection.

''(B) A discussion and description of the training ranges and other essential elements required to support the training strategy.

''(C) A list of the funding requirements, shown by fiscal year and set forth in a format consistent with the future-years defense program to accompany the

budget of the President under section 221 of title 10, United States Code, necessary to meet the requirements of the training ranges and other essential elements described under subparagraph (B).

''(D) A schedule for the implementation of the training strategy.

''(c) COMPTROLLER GENERAL REVIEW OF IMPLEMENTATION.—

''(1) IN GENERAL.—The Comptroller General shall monitor the implementation of the training strategy developed under subsection (a).

''(2) REPORT.—Not later than 180 days after the date on which the Secretary of the Army submits the report under subsection (b), the Comptroller General shall submit to the congressional defense committees a report containing the assessment of the Comptroller General of the current progress of the Army in implementing the training strategy.''

ARMY TRANSFORMATION TO BRIGADE STRUCTURE

Pub. L. 108–375, div. A, title V, § 595(c), Oct. 28, 2004, 118 Stat. 1937, provided that: ''The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the status of the internal transformation of the Army from a division-orientated force to a brigade-orientated force. Such report shall be submitted not later than March 31 of each year, except that the requirement to submit such annual report shall terminate when the Secretary of the Army submits to those committees the Secretary's certification that the transformation of the Army to a brigade-orientated force has been completed. Upon the submission of such certification, the Secretary shall publish in the Federal Register notice of that certification and that the statutory requirement to submit an annual report under this subsection has terminated.''

DEMONSTRATION PROJECT FOR USE OF ARMY INSTALLATIONS TO PROVIDE PRERELEASE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS

Pub. L. 103–337, div. A, title X, § 1065, Oct. 5, 1994, 108 Stat. 2849, provided that:

''(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of the Army may conduct a demonstration project to test the feasibility of using Army facilities to provide employment training to nonviolent offenders in a State penal system before their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

''(b) SOURCES OF TRAINING.—The Secretary may enter into a cooperative agreement with one or more private, nonprofit organizations for purposes of providing at the military installations included in the demonstration project the prerelease employment training authorized under subsection (a) or may provide such training directly at such installations by agreement with the State concerned.

''(c) USE OF FACILITIES.—Under a cooperative agreement entered into under subsection (b), the Secretary may lease or otherwise make available to a nonprofit organization participating in the demonstration project at a military installation included in the demonstration project any real property or facilities at the installation that the Secretary considers to be appropriate for use to provide the prerelease employment training authorized under subsection (a). Notwithstanding section 2667(b)(4) of title 10, United States Code, the use of such real property or facilities may be permitted with or without reimbursement.

''(d) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept voluntary services provided by persons participating in the prerelease employment training authorized under subsection (a).

''(e) LIABILITY AND INDEMNIFICATION.—(1) The Secretary may not enter into a cooperative agreement under subsection (b) with a nonprofit organization for the participation of that organization in the demonstration project unless the agreement includes provisions that the nonprofit organization shall—

''(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under the demonstration project; and

''(B) hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from or in connection with the demonstration project.

''(2) The Secretary may not enter into an agreement under subsection (b) with the State concerned for the provision of prerelease employment training directly by the Secretary unless the agreement with the State concerned includes provisions that the State shall—

''(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of the training except to the extent that the loss or damage results from a wrongful act or omission of Federal Government personnel; and

''(B) hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from, or in connection with, the provision of the training except to the extent that the personal injury or property damage results from a wrongful act or omission of Federal Government personnel.

''(f) REPORT.—Not later than two years after the date of the enactment of this Act [Oct. 5, 1994], the Secretary shall submit to Congress a report evaluating the success of the demonstration project and containing such recommendations with regard to the termination, continuation, or expansion of the demonstration project as the Secretary considers appropriate.''

ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Army, see Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, set out as a note under section 3345 of Title 5.

§ 3014. Office of the Secretary of the Army

(a) There is in the Department of the Army an Office of the Secretary of the Army. The function of the Office is to assist the Secretary of the Army in carrying out his responsibilities.

(b) The Office of the Secretary of the Army is composed of the following:

(1) The Under Secretary of the Army.

(2) The Assistant Secretaries of the Army.

(3) The Administrative Assistant to the Secretary of the Army.

(4) The General Counsel of the Department of the Army.

(5) The Inspector General of the Army.

(6) The Chief of Legislative Liaison.

(7) The Army Reserve Forces Policy Committee.

(8) Such other offices and officials as may be established by law or as the Secretary of the Army may establish or designate.

(c)(1) The Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the following functions:

(A) Acquisition.

(B) Auditing.

(C) Comptroller (including financial management).

(D) Information management.
(E) Inspector General.
(F) Legislative affairs.
(G) Public affairs.

(2) The Secretary of the Army shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Army Staff to conduct any of the functions specified in paragraph (1).

(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

(4) The vesting in the Office of the Secretary of the Army of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Army (including the Army Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Army.

(5) The head of the office or other entity established or designated by the Secretary to conduct the auditing function shall have at least five years of professional experience in accounting or auditing. The position shall be considered to be a career reserved position as defined in section 3132(a)(8) of title 5.

(d)(1) Subject to paragraph (2), the Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the function of research and development.

(2) The Secretary of the Army may assign to the Army Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct the function specified in paragraph (1).

(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Army and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

(e) The Secretary of the Army shall ensure that the Office of the Secretary of the Army and the Army Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Army assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed 3,105.

(2) Not more than 1,865 officers of the Army on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff.

(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed 67.

(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by the President or Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Army or on the Army Staff.

(Added Pub. L. 99–433, title V, § 501(a)(5), Oct. 1, 1986, 100 Stat. 1036; amended Pub. L. 100–180, div. A, title XIII, § 1314(b)(7), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 100–456, div. A, title III, § 325(a), Sept. 29, 1988, 102 Stat. 1955; Pub. L. 101–189, div. A, title VI, § 652(a)(4), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 107–107, div. A, title X, § 1048(a)(27), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 107–314, div. A, title V, § 504(c)(2), Dec. 2, 2002, 116 Stat. 2532.)

PRIOR PROVISIONS

A prior section 3014, acts Aug. 10, 1956, ch. 1041, 70A Stat. 158, § 3013; Aug. 6, 1958, Pub. L. 85–599, § 8(a), 72 Stat. 519; Sept. 2, 1958, Pub. L. 85–861, § 1(58), 72 Stat. 1462; Aug. 14, 1964, Pub. L. 88–426, title III, § 305(3), 78 Stat. 422; Dec. 1, 1967, Pub. L. 90–168, § 2(12), 81 Stat. 523; Dec. 31, 1970, Pub. L. 91–611, title II, § 211(a), 84 Stat. 1829; Nov. 9, 1979, Pub. L. 96–107, title VIII, § 820(b), 93 Stat. 819; Sept. 24, 1983, Pub. L. 98–94, title XII, § 1212(c)(1), 97 Stat. 687; renumbered § 3014, Oct. 1, 1986, Pub. L. 99–433, title V, § 501(a)(2), 100 Stat. 1034, related to Under Secretary and Assistant Secretaries of the Army, appointment, and duties, prior to repeal by Pub. L. 99–433, § 501(a)(5). See sections 3015 and 3016 of this title.

Another prior section 3014 was renumbered section 3015 of this title and subsequently repealed.

AMENDMENTS

2002—Subsec. (b)(6) to (8). Pub. L. 107–314 added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

2001—Subsec. (f)(3). Pub. L. 107–107 substituted ''67'' for ''the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection''.

1989—Subsec. (f)(5). Pub. L. 101–189 struck out par. (5) which read as follows: ''The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.''

1988—Subsec. (c)(5). Pub. L. 100–456 added par. (5).

1987—Subsec. (f)(4). Pub. L. 100–180 inserted ''the President or'' after ''declared by''.

EFFECTIVE DATE OF 1988 AMENDMENT

Requirements of subsec. (c)(5) of this section applicable with respect to any person appointed on or after Sept. 29, 1988, as head of office or other entity designated for conducting auditing function in a military department, see section 325(d)(1) of Pub. L. 100–456, set out as a note under section 5014 of this title.

EFFECTIVE DATE

Section 532(a) of Pub. L. 99–433 provided that: ''The provisions of subsections (c) and (d) of each of sections 3014, 5014, and 8014 of title 10, United States Code, as added by sections 501, 511, and 521, respectively, shall be implemented not later than 180 days after the date of the enactment of this Act [Oct. 1, 1986].''

EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL

Baseline personnel limitations in this section inapplicable to certain acquisition personnel and personnel

hired pursuant to a shortage category designation for fiscal year 2009 and fiscal years thereafter, and Secretary of Defense or a secretary of a military department authorized to adjust such limitations for fiscal year 2009 and fiscal years thereafter, see section 1111 of Pub. L. 110–417, set out as a note under section 143 of this title.

§ 3015. Under Secretary of the Army

(a) There is an Under Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

(Added Pub. L. 99–433, title V, § 501(a)(5), Oct. 1, 1986, 100 Stat. 1037.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3013 of this title prior to enactment of Pub. L. 99–433.

A prior section 3015, acts Aug. 10, 1956, ch. 1041, 70A Stat. 158, § 3014; renumbered § 3015, Oct. 1, 1986, Pub. L. 99–433, title V, § 501(a)(2), 100 Stat. 1034, related to Comptroller and Deputy Comptroller of the Army, powers and duties, and appointment, prior to repeal by Pub. L. 99–433, § 501(a)(5).

Another prior section 3015 was renumbered section 3040 of this title and subsequently repealed.

ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Army, see Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, set out as a note under section 3345 of Title 5.

§ 3016. Assistant Secretaries of the Army

(a) There are five Assistant Secretaries of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army.

(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes.

(4) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Financial Management. The Assistant Secretary shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Army, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Army and shall advise the Secretary of the Army on financial management.

(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be a lieutenant general of the Army on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1733 of this title.

(Added Pub. L. 99–433, title V, § 501(a)(5), Oct. 1, 1986, 100 Stat. 1038; amended Pub. L. 100–456, div. A, title VII, § 702(a)(1), Sept. 29, 1988, 102 Stat. 1992; Pub. L. 110–181, div. A, title IX, § 908(a), Jan. 28, 2008, 122 Stat. 278.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3013 of this title prior to enactment of Pub. L. 99–433.

A prior section 3016 was renumbered section 3018 of this title.

AMENDMENTS

2008—Subsec. (b)(5). Pub. L. 110–181 added par. (5).
1988—Subsec. (b)(4). Pub. L. 100–456 added par. (4).

EFFECTIVE DATE OF 1988 AMENDMENT

Section 702(e)(1) of Pub. L. 100–456 provided that: ''The amendments made by subsections (a) and (b) [enacting sections 3022 and 5025 of this title and amending this section and section 5016 of this title] shall take effect on January 20, 1989.''

§ 3017. Secretary of the Army: successors to duties

If the Secretary of the Army dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347[1] of title 5, directs another person to perform those duties or until the absence or disability ceases:

(1) The Under Secretary of the Army.

(2) The Assistant Secretaries of the Army, in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense.

(3) The General Counsel of the Department of the Army.

(4) The Chief of Staff.

(Aug. 10, 1956, ch. 1041, 70A Stat. 159; Pub. L. 89–718, § 23, Nov. 2, 1966, 80 Stat. 1118; Pub. L. 90–235, § 4(a)(7), Jan. 2, 1968, 81 Stat. 759; Pub. L. 99–433, title V, § 501(a)(6), Oct. 1, 1986, 100 Stat. 1038; Pub. L. 103–337, div. A, title IX, § 902(a), Oct. 5, 1994, 108 Stat. 2823.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3017(a)	5:181–5(b).	June 28, 1950, ch. 383, § 102 (less (a)), 64 Stat. 265.
3017(b)	5:181–5(c).	

In subsection (a), the word ''person'' is substituted for the words ''officer of the United States''. The words

[1] See References in Text note below.

''until a successor is appointed'' are omitted as surplusage.

Subsection (b) is substituted for 5:181–5(c) and states the effect of section 3544(b) of this title.

REFERENCES IN TEXT

Section 3347 of title 5, referred to in text, was repealed and a new section 3347 was enacted by Pub. L. 105–277, div. C, title I, § 151(b), Oct. 21, 1998, 112 Stat. 2681–611, and, as so enacted, no longer contains provisions authorizing the President to direct temporary successors to duties. See section 3345 of Title 5, Government Organization and Employees.

AMENDMENTS

1994—Pars. (3), (4). Pub. L. 103–337 added par. (3) and redesignated former par. (3) as (4).

1986—Pub. L. 99–433 struck out subsec. (a) designation, substituted '', in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense'' for ''in order of their length of service as such'' in par. (2), and struck out subsec. (b) which read as follows: ''Performance of the duties of the Secretary by the Chief of Staff or any officer of the Army designated under section 3347 of title 5 shall not be considered as the holding of a civil office within the meaning of section 973(b) of this title.''

1968—Subsec. (b). Pub. L. 90–235 substituted ''section 973(b) of this title'' for ''section 3544(b) of this title''.

1966—Pub. L. 89–718 substituted ''section 3347 of title 5'' for ''section 6 of title 5'' wherever appearing.

ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Army, see Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, set out as a note under section 3345 of Title 5.

§ 3018. Administrative Assistant

(a) There is an Administrative Assistant in the Department of the Army. The Administrative Assistant shall be appointed by the Secretary of the Army and shall perform duties that the Secretary considers appropriate.

(b) During a vacancy in the office of Secretary, the Administrative Assistant has charge and custody of all records, books, and papers of the Department of the Army.

(c) The Secretary may authorize the Administrative Assistant to sign, during the temporary absence of the Secretary, any paper requiring his signature. In such a case, the Administrative Assistant's signature has the same effect as the Secretary's signature.

(Aug. 10, 1956, ch. 1041, 70A Stat. 159, § 3016; renumbered § 3018, Pub. L. 99–433, title V, § 501(a)(3), Oct. 1, 1986, 100 Stat. 1034.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3016(a)	5:185.	R.S. 215; Feb. 27, 1877, ch. 69 (2d par.), 19 Stat. 241.
3016(b)	5:186.	
3016(c)	5:187.	Mar. 4, 1874, ch. 44, 18 Stat. 19.

Although 5:185, 186, and 187 are omitted from the United States Code as covered by 5:181–5, they are not so superseded and are restated in this revised section.

In subsections (a), (b), and (c), the title ''Administrative Assistant'' is substituted for the title ''Assistant and Chief Clerk'', to accord with present usage. R.S. 215 (less last sentence) is not contained in 5:185 and 186. It is also omitted from the revised section as obsolete.

In subsection (a), the words ''an inferior officer'' are omitted, since the Secretary's authority to appoint the Administrative Assistant makes the office an inferior office within the meaning of the Constitution. The words ''perform duties that the Secretary considers appropriate'' are substituted for the words ''to be employed therein as he shall deem proper''.

In subsection (b), the words ''During a vacancy in the office of Secretary has'' are substituted for the words ''whenever the Secretary of the Army shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy have the''. The word ''of'' is substituted for the words ''appertaining to''.

In subsection (c), the words ''during the temporary absence of the Secretary'' are substituted for the words ''When, from illness or other cause, the Secretary of War is temporarily absent from the War Department''. The words ''requisitions upon the Treasury Department'' are omitted as surplusage. The last sentence is substituted for 5:187 (words after semicolon).

PRIOR PROVISIONS

A prior section 3018, added Pub. L. 85–861, § 1(59)(A), Sept. 2, 1958, 72 Stat. 1462, prescribed compensation of General Counsel of Department of the Army, prior to repeal by Pub. L. 88–426, title III, § 305(40)(A), Aug. 14, 1964, 78 Stat. 427, eff. first day of first pay period beginning on or after July 1, 1964.

§ 3019. General Counsel

(a) There is a General Counsel of the Department of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The General Counsel shall perform such functions as the Secretary of the Army may prescribe.

(Added Pub. L. 99–433, title V, § 501(a)(7), Oct. 1, 1986, 100 Stat. 1038; amended Pub. L. 100–456, div. A, title VII, § 703(a), Sept. 29, 1988, 102 Stat. 1996.)

PRIOR PROVISIONS

A prior section 3019 was renumbered section 3038 of this title.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–456 inserted '', by and with the advice and consent of the Senate'' before period at end.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 703(c) of Pub. L. 100–456 provided that: ''The amendments made by this section [amending this section and sections 5019 and 8019 of this title] shall apply to appointments made under sections 3019, 5019, and 8019, respectively, of title 10, United States Code, on and after the date of the enactment of this Act [Sept. 29, 1988].''

§ 3020. Inspector General

(a) There is an Inspector General of the Army who shall be detailed to such position by the Secretary of the Army from the general officers of the Army. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

(1) inquire into and report upon the discipline, efficiency, and economy of the Army; and

(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Army and shall recommend additional inspections and investigations as may appear appropriate.

(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Army.

(e) The Inspector General shall have such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.

(Added Pub. L. 99–433, title V, § 501(a)(7), Oct. 1, 1986, 100 Stat. 1038.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (d), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3039 of this title prior to enactment of Pub. L. 99–433.

§ 3021. Army Reserve Forces Policy Committee

There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title.

(Added Pub. L. 103–337, div. A, title XVI, § 1661(b)(4)(A), Oct. 5, 1994, 108 Stat. 2982.)

PRIOR PROVISIONS

Prior section 3021 was renumbered section 10302 of this title.

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as a note under section 10001 of this title.

§ 3022. Financial management

(a) The Secretary of the Army shall provide that the Assistant Secretary of the Army for Financial Management shall direct and manage financial management activities and operations of the Department of the Army, including ensuring that financial management systems of the Department of the Army comply with subsection (b). The authority of the Assistant Secretary for such direction and management shall include the authority to—

(1) supervise and direct the preparation of budget estimates of the Department of the Army and otherwise carry out, with respect to the Department of the Army, the functions specified for the Under Secretary of Defense (Comptroller) in section 135(c) of this title;

(2) approve and supervise any project to design or enhance a financial management system for the Department of the Army; and

(3) approve the establishment and supervise the operation of any asset management system of the Department of the Army, including—

(A) systems for cash management, credit management, and debt collection; and

(B) systems for the accounting for the quantity, location, and cost of property and inventory.

(b)(1) Financial management systems of the Department of the Army (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with—

(A) the accounting and financial reporting principles, standards, and requirements established by the Comptroller General under section 3511 of title 31; and

(B) the internal control standards established by the Comptroller General under section 3512 of title 31.

(2) Such systems shall provide for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

(c) The Assistant Secretary shall maintain a five-year plan describing the activities the Department of the Army proposes to conduct over the next five fiscal years to improve financial management. Such plan shall be revised annually.

(d) The Assistant Secretary of the Army for Financial Management shall transmit to the Secretary of the Army a report each year on the activities of the Assistant Secretary during the preceding year. Each such report shall include a description and analysis of the status of Department of the Army financial management.

(Added Pub. L. 100–456, div. A, title VII, § 702(a)(2), Sept. 29, 1988, 102 Stat. 1993; amended Pub. L. 103–337, div. A, title X, § 1070(a)(15), Oct. 5, 1994, 108 Stat. 2856; Pub. L. 104–106, div. A, title XV, § 1503(b)(1), Feb. 10, 1996, 110 Stat. 512.)

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–106 substituted ''Under Secretary of Defense (Comptroller)'' for ''Comptroller of the Department of Defense''.

1994—Subsec. (a)(1). Pub. L. 103–337 substituted ''section 135(c)'' for ''section 137(c)''.

EFFECTIVE DATE

Section effective Jan. 20, 1989, see section 702(e)(1) of Pub. L. 100–456, set out as an Effective Date of 1988 Amendment note under section 3016 of this title.

§ 3023. Chief of Legislative Liaison

(a) There is a Chief of Legislative Liaison in the Department of the Army. An officer assigned to that position shall be an officer in the grade of major general.

(b) The Chief of Legislative Liaison shall perform legislative affairs functions as specified for

the Office of the Secretary of the Army by section 3014(c)(1)(F) of this title.

(Added Pub. L. 107–314, div. A, title V, § 504(c)(1)(A), Dec. 2, 2002, 116 Stat. 2531.)

§ 3024. Director of Small Business Programs

(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the Department of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.

(Added Pub. L. 109–163, div. A, title IX, § 904(c)(1), Jan. 6, 2006, 119 Stat. 3400.)

CHANGE OF NAME

The Director of Small and Disadvantaged Business Utilization of the Department of the Army and the Office of Small and Disadvantaged Business Utilization of the Department of the Army were redesignated the Director of Small Business Programs of the Department of the Army and the Office of Small Business Programs of the Department of the Army, respectively, by Pub. L. 109–163 which also provided that references to the former were deemed to refer to the latter. See section 904(a) of Pub. L. 109–163, set out as a note under section 144 of this title.

CHAPTER 305—THE ARMY STAFF

Sec.
3031. The Army Staff: function; composition.
3032. The Army Staff: general duties.
3033. Chief of Staff.
3034. Vice Chief of Staff.
3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff.
3036. Chiefs of branches: appointment; duties.
3037. Judge Advocate General, Deputy Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties.
3038. Office of Army Reserve: appointment of Chief.
3039. Deputy and assistant chiefs of branches.
[3040. Repealed.]

AMENDMENTS

2008—Pub. L. 110–181, div. A, title V, § 543(a)(3)(B), Jan. 28, 2008, 122 Stat. 115, substituted ''Deputy'' for ''Assistant'' in item 3037.

1994—Pub. L. 103–337, div. A, title IX, § 904(b)(2), Oct. 5, 1994, 108 Stat. 2827, struck out item 3040 ''Chief of National Guard Bureau: appointment; acting chief''.

1986—Pub. L. 99–433, title V, § 502(g)(2), Oct. 1, 1986, 100 Stat. 1042, amended analysis generally, substituting items 3031 to 3040 for former items 3031 to 3040.

1980—Pub. L. 96–513, title V, § 512(2), Dec. 12, 1980, 94 Stat. 2929, substituted ''Deputy Chiefs'' for ''Deputy Chief'' in item 2035, and substituted ''appointment'' for ''appointments'' in item 3036.

1966—Pub. L. 89–718, § 25(b), Nov. 2, 1966, 80 Stat. 1119, struck out item 3038 ''Chief of Engineers: additional duties''.

§ 3031. The Army Staff: function; composition

(a) There is in the executive part of the Department of the Army an Army Staff. The function of the Army Staff is to assist the Secretary of the Army in carrying out his responsibilities.

(b) The Army Staff is composed of the following:

(1) The Chief of Staff.
(2) The Vice Chief of Staff.
(3) The Deputy Chiefs of Staff.
(4) The Assistant Chiefs of Staff.
(5) The Chief of Engineers.
(6) The Surgeon General of the Army.
(7) The Judge Advocate General of the Army.
(8) The Chief of Chaplains of the Army.
(9) The Chief of Army Reserve.
(10) Other members of the Army assigned or detailed to the Army Staff.
(11) Civilian employees of the Department of the Army assigned or detailed to the Army Staff.

(c) Except as otherwise specifically prescribed by law, the Army Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

(Aug. 10, 1956, ch. 1041, 70A Stat. 150; Pub. L. 93–547, Dec. 26, 1974, 88 Stat. 1742; Pub. L. 93–608, § 1(6), Jan. 2, 1975, 88 Stat. 1968; Pub. L. 98–525, title V, § 515, Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99–433, title V, § 502(a), Oct. 1, 1986, 100 Stat. 1039.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3031(a)	10:21a(a).	June 28, 1950, ch. 383, § 201, 64 Stat. 265.
3031(b)	10:21a(b).	
3031(c)	10:21a(c).	
3031(d)	10:21a(d).	

In subsection (a), the words ''an Army Staff consisting of—'' are substituted for the words ''a staff, which shall be known as the Army Staff, and which shall consist of—''. The words ''under regulations prescribed by the Secretary of the Army'' are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

In subsection (c), the third sentence is substituted for 10:21a(c) (1st 13 words and 1st proviso). The words ''officers and employees or under the jurisdiction of'' are omitted as surplusage.

In subsections (c) and (d), the word ''hereafter'' is omitted, since all wars and emergencies declared by Congress before June 24, 1950, have been terminated.

In subsection (d), the second sentence is substituted for 10:21a(d) (last 31 words of 1st sentence). The third sentence is substituted for 10:21a(d) (2d sentence). 10:21a(d) (1st 13 words of last sentence) is omitted as executed. The words ''This subsection does not apply'' are substituted for the words ''and shall be in applicable''.

AMENDMENTS

1986—Pub. L. 99–433 amended section generally, substituting ''The Army Staff: function; composition'' for ''Composition: assignment and detail of members of Army and civilians'' in section catchline and substituting in text provisions relating to establishment and

composition of the Army Staff and authorizing the Secretary to prescribe the organization, duties, and titles of the Army Staff for provisions relating to establishment and composition of the Army Staff, authorizing the Secretary to prescribe the organization, duties, and titles of the Army Staff and authorizing part of the Army Staff to be designated as the Army General Staff, and limiting the number of officers who may be assigned or detailed to permanent duty in the executive part of the Department of the Army and on or with the Army General Staff.

1984—Subsec. (d). Pub. L. 98–525 struck out subsec. (d) which provided that no commissioned officer who was assigned or detailed to duty in the executive part of the Department of the Army could serve for a tour of duty of more than four years, but that the Secretary could extend such a tour of duty if he made a special finding that the extension was necessary in the public interest, that no officer could be assigned or detailed to duty in the executive part of the Department of the Army within two years after relief from that duty, except upon a special finding by the Secretary that the assignment or detail was necessary in the public interest, and that the subsection did not apply in time of war, or of national emergency declared by Congress.

1975—Subsec. (c). Pub. L. 93–608 struck out requirement of quarterly report to Congress on the number of officers in the executive part of the Department of the Army and the number of commissioned officers on or with the Army General Staff and the justification therefor.

1974—Subsec. (a)(3). Pub. L. 93–547 increased the number of Deputy Chiefs of Staff from three to four.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 515 of Pub. L. 98–525 provided that the amendment made by that section is effective Oct. 1, 1984.

§ 3032. The Army Staff: general duties

(a) The Army Staff shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Army and to the Chief of Staff of the Army.

(b) Under the authority, direction, and control of the Secretary of the Army, the Army Staff shall—

(1) subject to subsections (c) and (d) of section 3014 of this title, prepare for such employment of the Army, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Army), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Army, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;

(2) investigate and report upon the efficiency of the Army and its preparation to support military operations by combatant commands;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Army; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 161; Pub. L. 85–599, § 4(g), Aug. 6, 1958, 72 Stat. 517; Pub. L. 99–433, title V, § 502(b), Oct. 1, 1986, 100 Stat. 1040.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3032(a)	10:21e(a).	June 28, 1950, ch. 383,
3032(b)	10:21e(b).	§ 205, 64 Stat. 266.

In subsection (a), the word ''furnish'' is substituted for the word ''render''.

In subsection (b)(1), the words ''power, duty, or function of'' are substituted for the words ''power vested in, duty imposed upon, or function assigned to''.

In subsection (b)(2), the words ''all questions affecting'' and ''state of'' are omitted as surplusage.

AMENDMENTS

1986—Pub. L. 99–433, § 502(b)(3), substituted ''The Army Staff: general duties'' for ''General duties'' in section catchline.

Subsec. (a). Pub. L. 99–433, § 502(b)(1), inserted ''and to the Chief of Staff of the Army''.

Subsec. (b). Pub. L. 99–433, § 502(b)(2), substituted ''authority, direction, and control of the Secretary of the Army'' for ''direction and control of the Secretary'' in introductory provisions, inserted ''subject to subsections (c) and (d) of section 3014 of this title,'' and substituted ''(including those aspects of research and development assigned by the Secretary of the Army), training, servicing, mobilizing, demobilizing, administering, and maintaining'' for '', training, serving, mobilizing, and demobilizing'' in cl. (1), substituted ''to support military operations by combatant commands'' for ''for military operations'' in cl. (2), and amended cl. (4) generally. Prior to amendment, cl. (4) read as follows: ''act as agent of the Secretary and the Chief of Staff in coordinating the action of all organizations of the Department of the Army; and''.

1958—Subsec. (b)(1). Pub. L. 85–599 substituted ''prepare for such employment of the Army'' for ''prepare such plans for the national security, for employment of the Army for that purpose, both separately and in conjunction with the naval and air forces''.

§ 3033. Chief of Staff

(a)(1) There is a Chief of Staff of the Army, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Army. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

(2) The President may appoint an officer as Chief of Staff only if—

(A) the officer has had significant experience in joint duty assignments; and

(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(f) of this title) as a general officer.

(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

(c) Except as otherwise prescribed by law and subject to section 3013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary.

(d) Subject to the authority, direction, and control of the Secretary of the Army, the Chief of Staff shall—

(1) preside over the Army Staff;

(2) transmit the plans and recommendations of the Army Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Army as the Secretary determines;

(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Army.

(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Army.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Army fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 162, § 3034; Pub. L. 85–599, § 4(a), Aug. 6, 1958, 72 Stat. 516; Pub. L. 87–651, title I, § 114, Sept. 7, 1962, 76 Stat. 513; Pub. L. 90–22, title IV, § 401, June 5, 1967, 81 Stat. 53; Pub. L. 96–513, title V, § 502(2), Dec. 12, 1980, 94 Stat. 2909; Pub. L. 97–22, § 10(b)(4), July 10, 1981, 95 Stat. 137; renumbered § 3033 and amended Pub. L. 99–433, title V, § 502(c), Oct. 1, 1986, 100 Stat. 1040; Pub. L. 100–456, div. A, title V, § 519(a)(3), Sept. 29, 1988, 102 Stat. 1972.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3034(a)	10:21b (1st sentence).	June 28, 1950, ch. 383, §§ 202, 204, 64 Stat. 266.
3034(b)	10:21b (less 1st sentence).	
3034(c)	10:21d(a) (1st 9 words).	June 3, 1916, ch. 134, § 5 (last par.), added June 15, 1933, ch. 87, § 2 (last par.), 48 Stat. 154.
	10:21d(b) (2d sentence).	
	10:21d(c).	
3034(d)	10:21d(a) (less 1st 9 words).	
	10:21d(b) (less 2d sentence).	
	10:38 (last par.).	

In subsection (a), the words ''not for'' are substituted for the words ''no person shall serve as Chief of Staff for a term of''.

In subsection (b), the words ''so serving'' are substituted for the words ''holding office as such''. The words ''regular or reserve'' are substituted for the word ''permanent'', since there are no other ''permanent'' grades. The words ''in the Army'' are omitted as surplusage. The words ''and shall take rank as prescribed by law'' are omitted as covered by section 743 of this title. The words ''He shall receive the compensation prescribed by law'' are omitted as covered by the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.).

In subsection (c), the provisions of 10:21d relating to the direction of the Secretary of the Army over the Chief of Staff are combined. The words ''and of subsection (c) of this section'' and ''state of'' are omitted as surplusage.

In subsection (d), 10:38 (last par.) is omitted as covered by 10:21d(a). The words ''by sections 1a–1g, 19, 21a–21h, 61–1, 81–1, 231a and 316–1 of this title and section 181–3 to 181–5 of Title 5'' are omitted as covered by the words ''other provisions of law''.

1962 ACT

The changes correct references to section 202(j) of the National Security Act of 1947, which is now set out as section 124 of title 10.

PRIOR PROVISIONS

A prior section 3033 was renumbered section 10302 of this title.

AMENDMENTS

1988—Subsec. (a)(2)(B). Pub. L. 100–456 substituted ''full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)'' for ''joint duty assignment''.

1986—Pub. L. 99–433 renumbered section 3034 of this title as this section, substituted ''Chief of Staff'' for ''Chief of Staff: appointment; duties'' in section catchline, and amended text generally. Prior to amendment, text read as follows:

''(a) The Chief of Staff shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, from the general officers of the Army. He serves during the pleasure of the President. In time of war or national emergency, declared by the Congress after December 31, 1968, he may be reappointed for a term of not more than four years.

''(b) The Chief of Staff, while so serving, has the grade of general without vacating his regular or reserve grade.

''(c) Except as otherwise prescribed by law and subject to section 3012(c) and (d) of this title, the Chief of Staff performs his duties under the direction of the Secretary of the Army, and is directly responsible to the Secretary for the efficiency of the Army, its preparedness for military operations, and plans therefor.

''(d) The Chief of Staff shall—

''(1) preside over the Army Staff;

''(2) send the plans and recommendations of the Army Staff to the Secretary, and advise him with regard thereto;

''(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

''(4) exercise supervision over such of the members and organizations of the Army as the Secretary of the Army determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders under section 124 of this title;

''(5) perform the duties described for him by sections 141 and 171 of this title and other provisions of law; and

''(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President.''

1981—Subsec. (b). Pub. L. 97–22 struck out a comma after ''regular or reserve grade''.

1980—Subsec. (b). Pub. L. 96–513 struck out provision under which the Chief of Staff is counted as one of the officers authorized to serve in a grade above lieutenant general under section 3066 of this title.

1967—Subsec. (a). Pub. L. 90–22 changed requirement that Chief of Staff be reappointed only with advice and

consent of Senate by providing for his reappointment for a term of not more than four years by President without such advice and consent in a time of war or national emergency as declared by Congress.

1962—Subsec. (d)(4). Pub. L. 87–651 substituted ''under section 124 of this title'' for ''pursuant to section 202(j) of the National Security Act of 1947, as amended''.

1958—Subsec. (d)(4). Pub. L. 85–599 required Chief of Staff to exercise supervision only as Secretary of the Army determines and in a manner consistent with full operational command vested in unified or specified combatant commanders.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 10(b) of Pub. L. 97–22 provided that the amendment made by that section is effective Sept. 15, 1981.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 405 of title IV of Pub. L. 90–22 provided that: ''The amendments made by this title [amending sections 3034 [now 3033], 5081, 5201, and 8034 [now 8033] of this title] shall take effect as of January 1, 1969.''

WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF

Pub. L. 99–433, title V, § 532(c), Oct. 1, 1986, 100 Stat. 1063, as amended by Pub. L. 100–26, § 11(b), Apr. 21, 1987, 101 Stat. 289; Pub. L. 100–180, div. A, title XIII, § 1314(a)(3), Dec. 4, 1987, 101 Stat. 1175, provided that the President may waive, on a case-by-case basis, requirements for appointment as Service Chief provided for in sections 3033(a)(2), 5033(a)(2), 5043(a)(2), and 8033(a)(2) of this title, for a period of four years after Oct. 1, 1986.

§ 3034. Vice Chief of Staff

(a) There is a Vice Chief of Staff of the Army, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Army.

(b) The Vice Chief of Staff of the Army, while so serving, has the grade of general without vacating his permanent grade.

(c) The Vice Chief of Staff has such authority and duties with respect to the Department of the Army as the Chief of Staff, with the approval of the Secretary of the Army, may delegate to or prescribe for him. Orders issued by the Vice Chief of Staff in performing such duties have the same effect as those issued by the Chief of Staff.

(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Army in the Army Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first.

(Aug. 10, 1956, ch. 1041, 70A Stat. 162, § 3035; Pub. L. 85–599, § 6(a), Aug. 6, 1958, 72 Stat. 519; renumbered § 3034 and amended Pub. L. 99–433, title V, § 502(d), Oct. 1, 1986, 100 Stat. 1041.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3035(a)	10:21c (1st sentence).	June 28, 1950, ch. 383,
3035(b)	10:21c (less 1st sentence).	§ 203, 64 Stat. 266.

In subsection (a), the words ''of the Army'' are omitted as surplusage.

In subsection (b), the words ''If the Chief of Staff is absent or disabled or if that office is vacant'' are substituted for 10:21c (1st 18 words of last sentence). The words ''the officer who is highest on the following list and'' are inserted for clarity. The words ''until his successor is appointed'' are omitted as surplusage.

PRIOR PROVISIONS

A prior section 3034 was renumbered section 3033 of this title.

AMENDMENTS

1986—Pub. L. 99–433, § 502(d), renumbered section 3035 of this title as this section.

Pub. L. 99–433, § 502(d)(3), substituted ''Vice Chief of Staff'' for ''Vice Chief of Staff, Deputy Chiefs of Staff, and Assistant Chiefs of Staff: succession to duties of Chief of Staff'' in section catchline.

Subsecs. (a), (b). Pub. L. 99–433, § 502(d)(1), amended subsecs. (a) and (b) generally. Prior to amendment, subsecs. (a) and (b) read as follows:

''(a) The Vice Chief of Staff, the Deputy Chiefs of Staff, and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

''(b) If the Chief of Staff is absent or disabled or if that office is vacant, the officer who is highest on the following list and who is not absent or disabled shall, unless otherwise directed by the President, perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases:

''(1) The Vice Chief of Staff.

''(2) The Deputy Chiefs of Staff in order of seniority.''

Subsec. (d). Pub. L. 99–433, § 502(d)(2), added subsec. (d).

1958—Subsec. (c). Pub. L. 85–599 added subsec. (c).

§ 3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.

(Added Pub. L. 99–433, title V, § 502(e), Oct. 1, 1986, 100 Stat. 1042; Pub. L. 110–181, div. A, title IX, § 902(a), Jan. 28, 2008, 122 Stat. 272.)

PRIOR PROVISIONS

A prior section 3035 was renumbered section 3034 of this title.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–181, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

''(1) there may not be more than five Deputy Chiefs of Staff; and

''(2) there may not be more than three Assistant Chiefs of Staff.''

§ 3036. Chiefs of branches: appointment; duties

(a) There are in the Army the following officers:

(1) Chief of Engineers.
(2) Surgeon General.
(3) Judge Advocate General.
(4) Chief of Chaplains.

(b) Each officer named in subsection (a), except the Judge Advocate General, shall be appointed by the President, by and with the advice and consent of the Senate, from officers above the grade of major who—

(1) have shown by extensive duty in the branch concerned, or by similar duty, that they are qualified for the appointment; and

(2) have been recommended by a board under subsection (e).

Each officer covered by the preceding sentence, except the Surgeon General, shall be appointed in the regular grade of major general. The Surgeon General may be appointed from officers in any corps of the Army Medical Department and, while so serving, has the grade of lieutenant general. The Judge Advocate General shall be appointed as prescribed in section 3037 of this title.

(c) An officer appointed under subsection (b) normally holds office for four years. However, the President may terminate or extend the appointment at any time.

(d)(1) Each officer named in subsection (a) shall perform duties prescribed by the Secretary of the Army and by law.

(2) Under the supervision of the Secretary, the Chief of Engineers may accept orders to provide services to another department, agency, or instrumentality of the United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

(B) the services are provided on a reimbursable basis.

(3) In this subsection, the term ''State'' includes the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, territories and possessions of the United States, and Indian tribes.

(e) For each office to be filled under subsection (b), the Secretary shall select a board of five general officers, including the incumbent, if any, of the office, and at least two officers, if available, in a grade above major general who have had extensive service in the branch concerned. The Secretary shall give the board a list of the officers to be considered and shall specify the number of officers, not less than three, to be recommended. The list shall include—

(1) the name of each officer of the Regular Army who is appointed in, or assigned to, that branch, and whose regular grade is colonel;

(2) the name of each officer whose regular grade is above colonel, who has shown by extensive duty in that branch, or by similar duty, that he is qualified for the appointment;

(3) to the extent that the Secretary determines advisable, the name of each officer of the Regular Army who is appointed in, or assigned to, that branch, and whose regular grade is lieutenant colonel, in the order in which their names appear on the applicable promotion lists; and

(4) to the extent that the Secretary considers advisable, the name of each regular or reserve officer on active duty in a grade above lieutenant colonel who has shown by extensive duty in that branch, or by similar duty, that he is qualified for the appointment.

From these officers, the board shall recommend by name the number prescribed by the Secretary, and the President may appoint any officer so recommended. If the President declines to appoint any of the recommended officers, or if the officer nominated cannot be appointed because of advice by the Senate, the Secretary shall convene a board to recommend additional officers. An officer who is recommended but not appointed shall be considered not to have been recommended. This does not affect his eligibility for selection and recommendation for the grade of brigadier general or major general under section 3306 or 3307 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 163; Pub. L. 89–288, § 1, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 89–718, § 24, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 97–295, § 1(38), Oct. 12, 1982, 96 Stat. 1296; Pub. L. 99–662, title IX, § 922, Nov. 17, 1986, 100 Stat. 4194; Pub. L. 100–26, § 7(a)(10), Apr. 21, 1987, 101 Stat. 278; Pub. L. 102–580, title II, § 211, Oct. 31, 1992, 106 Stat. 4831; Pub. L. 104–106, div. A, title V, § 506(a), Feb. 10, 1996, 110 Stat. 296; Pub. L. 104–201, div. A, title X, § 1074(a)(18), Sept. 23, 1996, 110 Stat. 2660.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3036(a)	10:21f(a).	June 28, 1950, ch. 383, § 206, 64 Stat. 267.
3036(b)	10:21f(b). 10:181 (1st 17 words). 10:559g(a) (less 3d and 5th sentences).	June 3, 1916, ch. 134, § 11 (1st 17 words); restated June 4, 1920, ch. 227, subch. I, § 11 (1st 17 words), 41 Stat. 768.
3036(c)	10:559g(a) (3d sentence).	
3036(d)	10:21f(c).	
3036(e)	10:559g(b).	Aug. 7, 1947, ch. 512, § 513(a) (less 5th sentence), (b), 61 Stat. 901.

In subsection (b), all references to the appointment of assistant chiefs are omitted as covered by sections 3037 and 3040 of this title. All references to the grade of brigadier general are omitted, since 10:21f(b) specifies the grade of major general for the offices. 10:559g(a) (4th sentence) is omitted as surplusage, since the appointment is to a permanent grade. 10:559g(a) (6th and 7th sentences) is omitted as executed. 10:559g(a) (last sentence) is omitted, since the revised section applies only to the officers named in subsection (a). The words ''except the Judge Advocate General'' are inserted for clarity. The eight words before clause (1), and clauses (1) and (2), are substituted for the words ''as prescribed in section 559g of this title'', in 10:21f(b), and 10:559g(a) (1st sentence). The second sentence is substituted for 10:559g(a) (2d sentence) and 10:21f(b) (1st 15 words). The words ''selected and'', in 10:21f(b), are omitted as surplusage. The words ''arms, or services'', in 10:559g(a) are

omitted as obsolete, since sections 3063 and 3064 of this title designate the former arms and services as ''branches''.

In subsection (c), the words ''normally holds office'' are substituted for the words ''shall normally continue in that assignment for a tour of duty''. The words ''appointment'' and ''office'' are substituted for the words ''assignment'' and ''tour of duty'' whenever they are used in that sense.

In subsection (e), the introductory clause is substituted for 10:559g(b) (words before colon of 1st sentence). The words ''in a grade above major general'' are substituted for the words ''of a rank above that of the position for which selections are to be made'', since all the positions are in the grade of major general. The word ''select'' is substituted for the word ''appoint'', since the filling of the offices is not appointment to an office in the constitutional sense. The word ''extensive'' is substituted for the word ''extended'', except where it refers to ''extended'' active duty, in which case the word ''extended'' is omitted as surplusage. The words ''the name of'' are inserted for clarity. The words ''appointed in, or assigned to'' are substituted for the words ''of the'', and ''in the'', before the words ''that branch'', to conform to sections 3063 and 3064 of this title. The word ''regular'' is substituted for the word ''permanent''. The words ''each regular or reserve officer'' are substituted for the words ''of officers of any component of the Army of the United States''. The words ''these officers'' are substituted for the words ''among those recommended by such board''. The words ''This does not affect'' are substituted for the words ''but this shall in no way prejudice''. The words ''to be filled'', ''by it'', ''other'', ''which number shall'', ''to be considered'', ''and may in addition thereto and'', and ''in the position concerned'' are omitted as surplusage.

1982 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3036(d) (1st sentence).	10:3036(d).	
3036(d) (last sentence).	10:3036 (note).	Oct. 27, 1965, Pub. L. 89–298, § 219, 79 Stat. 1089.

The first sentence is restated to clarify that the Secretary concerned is the Secretary of the Army. The word ''services'' is substituted for ''work or services'' because it is inclusive. The word ''instrumentality'' is added for clarity.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–106 inserted ''may be appointed from officers in any corps of the Army Medical Department and'' after ''The Surgeon General'' in concluding provisions.

Subsec. (d)(3). Pub. L. 104–201 substituted ''In this subsection'' for ''For purposes of this subsection''.

1992—Subsec. (d)(3). Pub. L. 102–580 added par. (3).

1987—Subsec. (d). Pub. L. 100–26 designated existing first sentence requiring each officer named in subsec. (a) to perform prescribed duties as par. (1), designated existing second sentence permitting the Chief of Engineers to accept orders to provide services to another department, agency, or governmental instrumentality as par. (2), and substituted ''United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

''(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

''(B) the services are provided on a reimbursable basis.'' for ''United States and, on a reimbursable basis, to a State or political subdivision thereof. Services provided to a State or political subdivision thereof shall be undertaken only on condition that—

''(1) the work to be undertaken on behalf of non-Federal interests involves Federal assistance; and

''(2) the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers.[,]

any part of those services by contract.''

1986—Subsec. (d). Pub. L. 99–662 substituted ''and, on a reimbursable basis, to a State or political subdivision thereof. Services provided to a State or political subdivision thereof shall be undertaken only on condition that—

''(1) the work to be undertaken on behalf of non-Federal interests involves Federal assistance; and

''(2) the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers.''

for ''and may provide'', which resulted in the creation of an incomplete sentence.

1982—Subsec. (d). Pub. L. 97–295 substituted ''Secretary of the Army'' for ''Secretary'' and inserted provision that, under the supervision of the Secretary, the Chief of Engineers may accept orders to provide services to another department, agency, or instrumentality of the United States and may provide any part of those services by contract.

1966—Subsec. (a). Pub. L. 89–718 struck out cls. (2) to (8) naming the Chief Signal Officer, Adjutant General, Quartermaster General, Chief of Finance, Chief of Ordnance, Chief Chemical Officer, and Chief of Transportation respectively, and redesignated cls. (9) to (11) as (2) to (4), respectively.

1965—Subsec. (b). Pub. L. 89–288 provided Surgeon General, while so serving, with grade of lieutenant general.

CORPS OF ENGINEERS; ANNUAL BUDGET SUBMISSION

Pub. L. 110–161, div. C, title I, § 114, Dec. 26, 2007, 121 Stat. 1944, provided that: ''All budget documents and justification materials for the Corps of Engineers annual budget submission to Congress shall be assembled and presented based on the most recent annual appropriations Act: *Provided*, That new budget proposals for fiscal year 2008 and thereafter, shall not be integrated into the budget justifications submitted to Congress but shall be submitted separately from the budget justifications documents.''

CHIEF OF ENGINEERS; FISCAL TRANSPARENCY REPORT

Pub. L. 110–114, title II, § 2027, Nov. 8, 2007, 121 Stat. 1079, provided that:

''(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

''(1) the expenditures by the Corps for the preceding fiscal year and estimated expenditures by the Corps for the current fiscal year; and

''(2) for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures by the Corps necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in the current fiscal year.

''(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

''(1) With respect to activities carried out with funding provided under the Construction appropriations account for the Secretary [of the Army], information on—

''(A) projects currently under construction, including—

''(i) allocations to date;

''(ii) the number of years remaining to complete construction;

''(iii) the estimated annual Federal cost to maintain that construction schedule; and

''(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

''(B) projects for which there is a signed partnership agreement and completed planning, engineering, and design, including—

''(i) the number of years the project is expected to require for completion; and

''(ii) estimated annual Federal cost to maintain that construction schedule.

''(2) With respect to operation and maintenance of the inland and intracoastal waterways identified by section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804)—

''(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth;

''(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption; and

''(C) the actual expenditures to maintain each waterway.

''(3) With respect to activities carried out with funding provided under the Investigations appropriations account for the Secretary—

''(A) the number of active studies;

''(B) the number of completed studies not yet authorized for construction;

''(C) the number of initiated studies; and

''(D) the number of studies expected to be completed during the fiscal year.

''(4) Funding received and estimates of funds to be received for interagency and international support activities under section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a).

''(5) Recreation fees and lease payments.

''(6) Hydropower and water storage receipts.

''(7) Deposits into the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund.

''(8) Other revenues and fees collected by the Corps of Engineers.

''(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

''(A) the date on which each permit application is filed;

''(B) the date on which each permit application is determined to be complete;

''(C) the date on which any permit application is withdrawn; and

''(D) the date on which the Corps of Engineers grants or denies each permit.

''(10) With respect to projects that are authorized but for which construction is not complete, a list of such projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

''(A) the authorization date;

''(B) the last allocation date;

''(C) the percentage of construction completed;

''(D) the estimated cost remaining until completion of the project; and

''(E) a brief explanation of the reasons for the delay.''

[Reference to ''partnership agreement'' deemed to be reference to ''cooperation agreement'', see section 2003(f)(3) of Pub. L. 110–114, set out as a note under section 1962d–5b of Title 42, The Public Health and Welfare.]

CHIEF OF ENGINEERS; WORK OR SERVICES FOR OTHER FEDERAL DEPARTMENTS AND AGENCIES

Pub. L. 89–298, title II, § 219, Oct. 27, 1965, 79 Stat. 1089, which provided that the Chief of Engineers, under the supervision of the Secretary of the Army, was authorized to accept orders from other Federal departments and agencies for work or services and to perform all or any part of such work or services by contract, was repealed and restated in subsec. (d) of this section by Pub. L. 97–295, §§ 1(38), 6(b), Oct. 12, 1982, 96 Stat. 1296, 1314.

DEPARTMENT OF DEFENSE REORGANIZATION ORDER

January 10, 1962

REORGANIZATION OF THE DEPARTMENT OF THE ARMY

By virtue of the authority vested in me by section 202(c) of the National Security Act of 1947, as amended (72 Stat. 514; 5 U.S.C. 171a(c)), and as Secretary of Defense, it is hereby ordered as follows:

SECTION 1. *Abolition of officers and transfer of functions.* The following officers named in section 3036, Title 10, United States Code, are hereby abolished and their functions transferred to the Secretary of the Army:

(a) Chief Signal Officer;

(b) Adjutant General;

(c) Quartermaster General;

(d) Chief of Finance;

(e) Chief of Ordnance;

(f) Chief Chemical Officer, and

(g) Chief of Transportation.

SEC. 2. *Transfer of functions from Chief of Engineers.* The functions vested in the Chief of Engineers by sections 3038 and 3533, Title 10, United States Code, are hereby transferred to the Secretary of the Army.

SEC. 3. *Performance of transferred functions.* The Secretary of the Army may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any office, agency, or employee of the Department of the Army of any function transferred to the Secretary by the provisions of this order.

SEC. 4. *Transitional provisions.* In order to assist in the orderly transfer of functions and to promote continuity of operation, the Secretary of the Army may, if he considers it necessary, delay beyond the effective date of this order the abolition of any office or transfer of any function.

SEC. 5. *Effective date.* The provisions of this order shall take effect on the date determined under section 202(c) of the National Security Act of 1947, as amended (72 Stat. 514; 5 U.S.C. 171a(c)), or the 16th day of February 1962, whichever is later.

J. C. LAMBERT,
Major General, U.S. Army,
THE ADJUTANT GENERAL.

§ 3037. Judge Advocate General, Deputy Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties

(a) The President, by and with the advice and consent of the Senate, shall appoint the Judge Advocate General, the Deputy Judge Advocate General, and general officers of the Judge Advocate General's Corps, from officers of the Judge Advocate General's Corps, who are recommended by the Secretary of the Army. The term of office of the Judge Advocate General and the Deputy Judge Advocate General is four years. The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.

(b) The Judge Advocate General shall be appointed from those officers who at the time of appointment are members of the bar of a Federal court or the highest court of a State, and who have had at least eight years of experience in legal duties as commissioned officers.

(c) The Judge Advocate General, in addition to other duties prescribed by law—

(1) is the legal adviser of the Secretary of the Army and of all officers and agencies of the Department of the Army;

(2) shall direct the members of the Judge Advocate General's Corps in the performance of their duties; and

(3) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions.

(d) Under regulations prescribed by the Secretary of Defense, the Secretary of the Army, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or Deputy Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

(e) No officer or employee of the Department of Defense may interfere with—

(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Army or the Chief of Staff of the Army; or

(2) the ability of judge advocates of the Army assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.

(Aug. 10, 1956, ch. 1041, 70A Stat. 164; Pub. L. 85–861, § 33(a)(18), Sept. 2, 1958, 72 Stat. 1565; Pub. L. 103–337, div. A, title V, § 504(a), Oct. 5, 1994, 108 Stat. 2750; Pub. L. 108–375, div. A, title V, § 574(a), Oct. 28, 2004, 118 Stat. 1921; Pub. L. 109–163, div. A, title V, § 508(a), title X, § 1057(a)(2), Jan. 6, 2006, 119 Stat. 3229, 3440; Pub. L. 110–181, div. A, title V, § 543(a)(1)–(3)(A), Jan. 28, 2008, 122 Stat. 114.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3037(a)	10:21h(c). 10:61a.	June 28, 1950, ch. 383, § 208(c), 64 Stat. 267.
3037(b)	50:741.	June 24, 1948, ch. 625, §§ 248, 249, 62 Stat. 643.
3037(c)	10:62. 10:62a. 10:63.	May 5, 1950, ch. 169, § 13, 64 Stat. 147. R.S. 1199. June 23, 1874, ch. 458, § 2, 18 Stat. 244. R.S. 1201.

In subsection (a), the words ''Notwithstanding any other provision of law'' and ''for such positions'' are omitted as surplusage. The last sentence is substituted for 10:61a (last sentence). 10:21h(c) is omitted as covered by 10:61a.

In subsection (b), the words ''Hereafter'' and ''exclusive of the present incumbents'' are omitted as surplusage.

In subsection (c), the words ''In addition to duties elsewhere prescribed for him by law'', in 10:62, are omitted as surplusage. The words ''and perform such other duties as may be prescribed by the Secretary of the Army'', in 10:62, are omitted as superseded by sections 3012(e) and 3036(d) of this title. Clause (2) is substituted for 10:62a (words after semicolon) and 63. The Act of June 23, 1874, ch. 458, § 2 (words before semicolon of 1st sentence, and last sentence), 18 Stat. 244, are not contained in 10:62. They are also omitted from the revised section as superseded by sections 3037(a) and 3211 of this title.

1958 ACT

The change corrects an inadvertence. The source statute for section 3036(c) of title 10 (the third sentence of sec. 513(a) of the Officer Personnel Act of 1947, 61 Stat. 901), providing for a 4-year term of office, applied also to the Judge Advocate General and the Assistant Judge Advocate General. As restated in section 3036(c), it now applies only to the officers named in section 3036(b), which excludes the two officers named. For this reason, the effect of the source statute with respect to those officers is added to section 3037(a), relating to their appointment.

AMENDMENTS

2008—Pub. L. 110–181, § 543(a)(3)(A), amended section catchline generally, substituting ''Deputy'' for ''Assistant''.

Subsec. (a). Pub. L. 110–181, § 543(a)(1), (2)(A), substituted ''Deputy Judge Advocate General'' for ''Assistant Judge Advocate General'' wherever appearing and substituted ''The Judge Advocate General, while so serving, has the grade of lieutenant general.'' for ''The Judge Advocate General, while so serving, shall hold a grade not lower than major general.''

Subsec. (d). Pub. L. 110–181, § 543(a)(2)(B), substituted ''Deputy Judge Advocate General'' for ''Assistant Judge Advocate General''.

2006—Subsec. (a). Pub. L. 109–163, § 508(a), substituted ''The Judge Advocate General, while so serving, shall hold a grade not lower than major general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.'' for ''If an officer who is so appointed holds a lower regular grade, he shall be appointed in the regular grade of major general.''

Subsec. (b). Pub. L. 109–163, § 1057(a)(2), struck out ''or Territory'' after ''a State''.

2004—Subsec. (a). Pub. L. 108–375, § 574(a)(1), substituted ''The term of office of the Judge Advocate General and the Assistant Judge Advocate General is four years.'' for ''An officer appointed as the Judge Advocate General or Assistant Judge Advocate General normally holds office for four years. However, the President may terminate or extend the appointment at any time.''

Subsec. (e). Pub. L. 108–375, § 574(a)(2), added subsec. (e).

1994—Subsec. (d). Pub. L. 103–337 added subsec. (d).

1958—Subsec. (a). Pub. L. 85–861 provided that the Judge Advocate General or Assistant Judge Advocate General shall normally hold office for four years, and empowered the President to terminate or extend the appointment at any time.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

§ 3038. Office of Army Reserve: appointment of Chief

(a) There is in the executive part of the Department of the Army an Office of the Army Reserve which is headed by a chief who is the adviser to the Chief of Staff on Army Reserve matters.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from general officers of the Army Reserve who have had at least 10 years of commissioned service in the Army Reserve.

(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Army Reserve unless the officer—

(A) is recommended by the Secretary of the Army; and

(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

(3) An officer on active duty for service as the Chief of Army Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

(4) Until December 31, 2006, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Army Reserve if the Secretary of the Army requests the waiver and, in the judgment of the Secretary of Defense—

(A) the officer is qualified for service in the position; and

(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Army Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Army Reserve may be reappointed for one additional four-year period.

(2) The Chief of Army Reserve, while so serving, holds the grade of lieutenant general.

(d) BUDGET.—The Chief of Army Reserve is the official within the executive part of the Department of the Army who, subject to the authority, direction, and control of the Secretary of the Army and the Chief of Staff, is responsible for justification and execution of the personnel, operation and maintenance, and construction budgets for the Army Reserve. As such, the Chief of Army Reserve is the director and functional manager of appropriations made for the Army Reserve in those areas.

(e) FULL TIME SUPPORT PROGRAM.—The Chief of Army Reserve manages, with respect to the Army Reserve, the personnel program of the Department of Defense known as the Full Time Support Program.

(f) ANNUAL REPORT.—(1) The Chief of Army Reserve shall submit to the Secretary of Defense, through the Secretary of the Army, an annual report on the state of the Army Reserve and the ability of the Army Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Army and may be submitted in classified and unclassified versions.

(2) The Secretary of Defense shall transmit the annual report of the Chief of Army Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.

(Added Pub. L. 90–168, § 2(16), Dec. 1, 1967, 81 Stat. 523, § 3019; renumbered § 3038 and amended Pub. L. 99–433, title V, §§ 501(a)(4), 502(g)(1), Oct. 1, 1986, 100 Stat. 1034, 1042; Pub. L. 103–337, div. A, title XVI, § 1672(c)(1), Oct. 5, 1994, 108 Stat. 3015; Pub. L. 104–201, div. A, title XII, § 1212(a), Sept. 23, 1996, 110 Stat. 2691; Pub. L. 106–65, div. A, title V, § 554(b), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106–398, § 1 [[div. A], title V, § 507(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–102; Pub. L. 107–314, div. A, title V, § 501(a), Dec. 2, 2002, 116 Stat. 2529; Pub. L. 108–375, div. A, title V, § 536(a), Oct. 28, 2004, 118 Stat. 1901.)

PRIOR PROVISIONS

A prior section 3038, act Aug. 10, 1956, ch. 1041, 70A Stat. 164, charged Chief of Engineers with responsibility for Army construction, real estate acquisition and management, and the operation of water, gas, electric, and sewer utilities, prior to repeal by Pub. L. 89–718, § 25(a), Nov. 2, 1966, 80 Stat. 1119.

AMENDMENTS

2004—Subsec. (b)(4). Pub. L. 108–375 substituted ''December 31, 2006'' for ''December 31, 2004'' in introductory provisions.

2002—Subsec. (b)(4). Pub. L. 107–314 substituted ''December 31, 2004'' for ''October 1, 2003'' in introductory provisions.

2000—Subsec. (b). Pub. L. 106–398 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from officers of the Army Reserve not on active duty, or on active duty under section 10211 of this title, who—

''(1) have had at least 10 years of commissioned service in the Army Reserve;

''(2) are in grade of brigadier general and above; and

''(3) have been recommended by the Secretary of the Army.''

Subsec. (c). Pub. L. 106–398 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''The Chief of Army Reserve holds office for four years but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Army Reserve. However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.''

1999—Subsec. (c). Pub. L. 106–65 inserted at end ''However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.''

1996—Subsecs. (d) to (f). Pub. L. 104–201 added subsecs. (d) to (f).

1994—Subsec. (b). Pub. L. 103–337 substituted ''10211'' for ''265''.

1986—Pub. L. 99–433, § 501(a)(4), renumbered section 3019 of this title as this section.

Subsec. (c). Pub. L. 99–433, § 502(g)(1), substituted ''service'' for ''services''.

EFFECTIVE DATE OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Pub. L. 106–65, div. A, title V, § 554(g), (h), Oct. 5, 1999, 113 Stat. 617, provided that:

''(g) EFFECTIVE DATE.—The amendments made by this section [enacting section 12505 of this title and amending this section and sections 5143, 5144, 8038, and 10506 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 5, 1999].

''(h) APPLICABILITY TO INCUMBENTS.—(1) If an officer who is a covered position incumbent is appointed under the amendments made by this section to the grade of lieutenant general or vice admiral, the term of service of that officer in that covered position shall not be extended by reason of such appointment.

''(2) For purposes of this subsection:

''(A) The term 'covered position incumbent' means a reserve component officer who on the effective date specified in subsection (g) is serving in a covered position.

''(B) The term 'covered position' means a position specified in section 12505 of title 10, United States Code, as added by subsection (a).''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE

Section effective on first day of first calendar month following date of enactment of Pub. L. 90–168, which was approved Dec. 1, 1967, see section 7 of Pub. L. 90–168, set out as an Effective Date of 1967 Amendment note under section 138 of this title.

§ 3039. Deputy and assistant chiefs of branches

(a) Each officer named in section 3036 of this title shall have, in addition to the assistants prescribed by subsections (b) and (c) and by section 3037 of this title, such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary similar to that prescribed in section 3036 of this title.

(b) There is an Assistant Surgeon General appointed from the officers of the Dental Corps, as prescribed in section 3036 of this title. The Assistant Surgeon General is Chief of the Dental Corps and is responsible for making recommendations to the Surgeon General and through the Surgeon General to the Chief of Staff on all matters concerning dentistry and the dental health of the Army. An appointee who holds a lower regular grade shall be appointed in the regular grade of major general.

(c) There are two assistants to the Chief of Engineers appointed as prescribed in section 3036 of this title. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 165, § 3040; Pub. L. 95–485, title VIII, § 805(a), Oct. 20, 1978, 92 Stat. 1621; renumbered § 3039 and amended Pub. L. 99–433, title V, § 502(f)(2), Oct. 1, 1986, 100 Stat. 1042.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3040(a)	10:21h(a).	June 28, 1950, ch. 383, § 208 (less (c)), 64 Stat. 268.
3040(b)	10:21h(b).	June 3, 1916, ch. 134, § 11 (18th through 25th words); restated June 4, 1920, ch. 227, subch. I, § 11 (18th through 25th words), 41 Stat. 768.
3040(c)	10:181 (18th through 25th words).	June 26, 1936, ch. 839 (16th through 31st words), 49 Stat. 1974.
	10:181a (14th through 30th words).	

In subsection (a), the words ''in addition to the assistants prescribed by subsections (b) and (c) and section 3037 of this title'' are substituted for the words ''Except as prescribed in subsections (b) and (c) of this section''. The words ''selected and'', ''which procedure shall be'', and 10:21h(a) (last 21 words) are omitted as surplusage.

In subsection (b), the words ''appointed from the officers of the Dental Corps'' are substituted for the words ''who shall be an officer of the Dental Corps, and who shall be selected and appointed''. The last sentence is substituted for the words ''with the rank of major general''.

Subsection (c) is based on section 11 of the National Defense Act, as amended by the Act of June 26, 1936, ch. 839, 49 Stat. 1974 (10:181 and 181a), which provides for two assistants to the Chief of Engineers with the rank of brigadier general, and as impliedly amended by section 513(a) and 513(b) of the Officer Personnel Act of 1947 (10:559g), which provides the method of selection of assistant chiefs of branches, and prescribes that assistant chiefs be promoted to the grade held as such in the Regular Army if they hold a lower grade in the Regular Army. Section 404(f) of the Army Organization Act of 1950, 64 Stat. 274, exempts these two positions from the operation of section 208(a) of that act (10:21h(a)).

PRIOR PROVISIONS

A prior section 3039, act Aug. 10, 1956, ch. 1041, 70A Stat. 164, related to Inspector General and Provost Marshal General, prior to repeal by Pub. L. 99–433, § 502(f)(1). See section 3020 of this title.

AMENDMENTS

1986—Pub. L. 99–433 renumbered section 3040 of this title as this section and substituted ''section 3036'' for ''sections 3036 and 3039'' in subsec. (a).

1978—Subsec. (b). Pub. L. 95–485 inserted provision establishing the Assistant Surgeon General as Chief of the Dental Corps and making him responsible for recommendations to the Surgeon General and through the Surgeon General to the Chief of Staff on all matters concerning dentistry and dental health of the Army.

[§ 3040. Repealed. Pub. L. 103–337, div. A, title IX, § 904(b)(1), Oct. 5, 1994, 108 Stat. 2827]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 159, § 3015; Aug. 6, 1958, Pub. L. 85–599, § 12, 72 Stat. 521; renumbered § 3040, Oct. 1, 1986, Pub. L. 99–433, title V, § 501(a)(1), 100 Stat. 1034; Sept. 29, 1988, Pub. L. 100–456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to National Guard Bureau, Chief of Bureau, appointment and acting Chief. See sections 10501, 10502, and 10505 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103–337, set out as an Effective Date note under section 10501 of this title.

CHAPTER 307—THE ARMY

Sec.
3061. Regulations.
3062. Policy; composition; organized peace establishment.
3063. Basic branches.
3064. Special branches.
3065. Assignment and detail: officers assigned or detailed to basic and special branches.
[3066. Repealed.]
3067. Army Medical Department.
3068. Medical Service Corps: organization; Chief and assistant chiefs.
3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade.
3070. Army Medical Specialist Corps: organization; Chief and assistant chiefs.
[3071. Repealed.]
3072. Judge Advocate General's Corps.
3073. Chaplains.
3074. Commands: territorial organization; engineer tactical units.
3075. Regular Army: composition.
[3076 to 3080. Repealed.]
3081. Dental Corps: Chief, functions.
[3082. Renumbered.]
3083. Public Affairs Specialty.
3084. Chief of Veterinary Corps: grade.

AMENDMENTS

2002—Pub. L. 107–314, div. A, title V, § 504(b)(2), Dec. 2, 2002, 116 Stat. 2531, added item 3084.

1997—Pub. L. 105–85, div. A, title V, § 596(b), Nov. 18, 1997, 111 Stat. 1766, added item 3083.

1996—Pub. L. 104–201, div. A, title V, § 502(c)(1), Sept. 23, 1996, 110 Stat. 2511, substituted ''Chief and assistant chief; appointment; grade'' for ''chief and assistant chief; appointment'' in item 3069.

1994—Pub. L. 103–337, div. A, title X, § 1070(a)(16), title XVI, § 1672(b)(1), Oct. 5, 1994, 108 Stat. 2856, 3015, struck out items 3076 ''Army Reserve: composition'', 3077 ''Army National Guard of United States: composition'', 3078 ''Army National Guard: when a component of Army'', 3079 ''Army National Guard of United States: status when not in Federal service'', and 3080 ''Army National Guard of the United States: authority of officers with respect to Federal status'', struck out ''3082.'' before ''Army'' in item 3082, and then struck out item 3082 ''Army National Guard combat readiness reform: annual report''.

1993—Pub. L. 103–160, div. A, title V, § 521(b), Nov. 30, 1993, 107 Stat. 1655, added item 3082.

1980—Pub. L. 96–513, title V, § 502(3), Dec. 12, 1980, 94 Stat. 2909, struck out item 3066 ''Generals and lieutenant generals''.

1978—Pub. L. 95–485, title VIII, §§ 805(b)(2), 820(b), Oct. 20, 1978, 92 Stat. 1622, 1627, struck out item 3071 ''Women's Army Corps: Director; Deputy Director; other positions'' and added item 3081.

1968—Pub. L. 90–329, June 4, 1968, 82 Stat. 170, substituted ''Army Medical Department'' for ''Army Medical Service'' in item 3067.

1967—Pub. L. 90–130, § 1(8)(D), Nov. 8, 1967, 81 Stat. 375, substituted ''composition; chief and assistant chief'' for ''Chief'' in item 3069.

1960—Pub. L. 86–603, § 1(2)(B), July 7, 1960, 74 Stat. 357, added item 3080.

1957—Pub. L. 85–155, title I, § 101(3), Aug. 21, 1957, 71 Stat. 376, substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'' in item 3070.

§ 3061. Regulations

The President may prescribe regulations for the government of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 165.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3061	10:16.	July 15, 1870, ch. 294, § 20, 16 Stat. 319; Mar. 1, 1875, ch. 115, 18 Stat. 337.

The word ''prescribe'' is substituted for the words ''make and publish''. 10:16 (last 35 words) is omitted as surplusage.

§ 3062. Policy; composition; organized peace establishment

(a) It is the intent of Congress to provide an Army that is capable, in conjunction with the other armed forces, of—

(1) preserving the peace and security, and providing for the defense, of the United States, the Commonwealths and possessions, and any areas occupied by the United States;

(2) supporting the national policies;

(3) implementing the national objectives; and

(4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.

(b) In general, the Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein. It shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land. It is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

(c) The Army consists of—

(1) the Regular Army, the Army National Guard of the United States, the Army National Guard while in the service of the United States and the Army Reserve; and

(2) all persons appointed or enlisted in, or conscripted into, the Army without component.

(d) The organized peace establishment of the Army consists of all—

(1) military organizations of the Army with their installations and supporting and auxiliary elements, including combat, training, administrative, and logistic elements; and

(2) members of the Army, including those not assigned to units;

necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency.

(Aug. 10, 1956, ch. 1041, 70A Stat. 166; Pub. L. 109–163, div. A, title X, § 1057(a)(6), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3062(a)	10:20.	July 10, 1950, ch. 454, § 2, § 101, 64 Stat. 321.
3062(b)	5:181–1(e).	July 26, 1947, ch. 343, § 205(e), 61 Stat. 501.
3062(c)	10:1b.	June 28, 1950, ch. 383, § 301, 64 Stat. 268; July 9, 1952, ch. 608, § 807(b), 66 Stat. 508.
3062(d)	10:20i.	July 9, 1952, ch. 608, § 301, 66 Stat. 498.
	50:1021.	

In subsection (a), 10:20 (1st 19 words) is omitted as surplusage. The word ''Commonwealth'' is inserted to reflect the present status of Puerto Rico. The words ''any areas occupied by the United States'' are substituted for the words ''occupied areas wherever located''.

In subsection (c), the words ''consists of'' are substituted for the word ''includes''.

In subsection (c)(1), the words ''the Army National Guard while in the service of the United States'' are substituted for the words ''all persons serving in the Army under call under any provision of law, including members of the National Guard of the several States, Territories, and the District of Columbia when in the service of the United States pursuant to call as provided by law''. 10:1b (words between 1st and 3d semicolons) and 50:1021 (last sentence) are omitted, since the components listed include their members.

In subsection (c)(2), the words ''or inducted'' are omitted as covered by the word ''conscripted''.

In subsection (d), 10:20i (8th through 38th words) is omitted as surplusage. The words ''consists of all'' are substituted for the words ''shall include all of''. The words ''members of the Army'' are substituted for the word ''personnel''.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109–163 substituted ''Commonwealths and possessions'' for ''Territories, Commonwealths, and possessions''.

§ 3063. Basic branches

(a) The Secretary of the Army may assign members of the Army to its basic branches. The basic branches are—

(1) Infantry;
(2) Armor;
(3) Artillery;
(4) Corps of Engineers;
(5) Signal Corps;
(6) Adjutant General's Corps;
(7) Quartermaster Corps;
(8) Finance Corps;
(9) Ordnance Corps;
(10) Chemical Corps;
(11) Transportation Corps;
(12) Military Police Corps; and
(13) such other basic branches as the Secretary considers necessary.

(b) The Secretary may discontinue or consolidate basic branches of the Army for the duration of any war, or of any national emergency declared by Congress.

(c) The Secretary may not assign to a basic branch any commissioned officer appointed in a special branch.

(Aug. 10, 1956, ch. 1041, 70A Stat. 166.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3063(a)	10:1g(a) (less words of 1st sentence after semicolon, and less last sentence).	June 28, 1950, ch. 383, § 306(a), 64 Stat. 269.
3063(b)	10:1g(a) (last sentence).	
3063(c)	10:1g(a) (words of 1st sentence after semicolon).	

In subsection (a), the words ''The basic branches are'' are substituted for the words ''There shall be in the Army certain branches, which shall be known as basic branches of the Army'' and ''The basic branches of the Army shall be''.

In subsection (b), the words ''enumerated in this subsection'' are omitted as surplusage. The word ''hereafter'' is omitted, since all wars and emergencies declared by Congress before June 29, 1950, have been terminated.

In subsection (c), the words ''and commissioned'' are omitted as covered by the word ''appointed''. The words ''specified in subsection (b) of this section'' are omitted as surplusage. The word ''commissioned'' is inserted before the word ''officer'', for clarity.

PHILIPPINE SCOUTS

Section 42 of act Aug. 10, 1956, provided that: ''The President is authorized to form the Philippine Scouts into such branches and tactical units as he may deem expedient, within the limit of strength prescribed by law, organized similarly to those of the Regular Army.''

§ 3064. Special branches

(a) The special branches of the Army consist of commissioned officers of the Regular Army appointed therein, other members of the Army assigned thereto by the Secretary of the Army, and the sections prescribed in this chapter. The special branches are—

(1) each corps of the Army Medical Department;
(2) the Judge Advocate General's Corps;
(3) the Chaplains; and
(4) such other special branches as may be established by the Secretary of the Army under subsection (b).

(b) The Secretary of the Army may establish special branches for the Army and may assign commissioned officers (other than officers of the Regular Army) and members to such branches.

(c) Commissioned officers of the Regular Army may be appointed in a special branch, but the Secretary may not assign any officer of the Regular Army to a special branch.

(Aug. 10, 1956, ch. 1041, 70A Stat. 167; Pub. L. 90–329, June 4, 1968, 82 Stat. 170; Pub. L. 96–513, title II, § 231, Dec. 12, 1980, 94 Stat. 2886; Pub. L. 97–22, § 5(a), July 10, 1981, 95 Stat. 128.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3064(a)	10:1g(b) (less words of 1st sentence after semicolon).	June 28, 1950, ch. 383, § 306(b), 64 Stat. 269.
3064(b)	10:1g(b) (words of 1st sentence after semicolon).	

In subsection (a), the words ''The special branches of the Army'' are substituted for the words ''There shall be in the Army certain branches, which shall be known as special branches, and which shall''. The words ''authorized by sections 61–1, 81–1, and 231a of this title'' are omitted as surplusage. The words ''and the sections prescribed in this chapter'' are inserted, since some of the corps of the Army Medical Service consist of members and sections. Clauses (1), (2), and (3) are substituted for 10:1g(b) (last sentence).

In subsection (b), the words ''who has been appointed and commissioned in some other special branch, or without specification of branch'' are omitted as surplusage.

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–22, § 5(a)(1), substituted ''may assign commissioned officers (other than officers of the Regular Army) and members to such branches'' for ''may appoint commissioned officers in, and may assign members to, such branches''.

Subsec. (c). Pub. L. 97–22, § 5(a)(2), substituted ''Commissioned officers of the Regular Army may be appointed in a special branch, but the Secretary'' for ''The Secretary''.

1980—Subsec. (a)(4). Pub. L. 96–513, § 231(1), added cl. (4).

Subsecs. (b), (c). Pub. L. 96–513, § 231(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

1968—Subsec. (a)(1). Pub. L. 90–329 substituted ''Army Medical Department'' for ''Army Medical Service''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96–513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 3065. Assignment and detail: officers assigned or detailed to basic and special branches

(a) Commissioned officers of the Army may be detailed as general staff officers and as inspectors general.

(b) Members of the Army may be detailed to duty in particular fields specified by the Secretary, including intelligence, counter-intelligence, and military government.

(c) Members of the Army appointed in or assigned to one branch may be detailed for duty with any other branch.

(d) Members of the Army while not on active duty may be assigned to any basic or special

branch, or to such other branches or groups, and to such organizations, as the Secretary considers appropriate.

(e) No officer of the Army may be assigned to perform technical, scientific, or other professional duties unless he is qualified to perform those duties and meets professional qualifications at least as strict as those in effect on June 28, 1950. If the duties to which an officer is assigned involve professional work that is the same as or is similar to that usually performed in civil life by a member of a learned profession, such as engineering, law, medicine, or theology, the officer must have the qualifications, by education, training, or experience, equal to or similar to those usually required of members of that profession, unless the exigencies of the situation prevent.

(Aug. 10, 1956, ch. 1041, 70A Stat. 167.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3065(a)	10:1g(c) (1st 27 words).	June 28, 1950, ch. 383, § 306 (less (a) and (b)), § 404(e), 64 Stat. 269, 274.
3065(b)	10:1g(c) (less 1st 27 words).	
3065(c)	10:1g(d).	
3065(d)	10:1g(e).	
3065(e)	10:1g(f).	
	[Uncodified: June 28, 1950, ch. 383, § 404(e), 64 Stat. 274].	

In subsections (a) and (c)–(e), the words ''Under such regulations as the Secretary of the Army may prescribe'' and ''under [Under] regulations prescribed by the Secretary of the Army'' are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

In subsection (b), the word ''specified'' is substituted for the words ''designated from time to time'', in 10:1g(c). The words ''but not limited to'', in 10:1g(c), are omitted as surplusage.

In subsection (d), the words ''basic or special branch'' are substituted for the words ''branches of the Army provided for in this section''. The word ''considers'' is substituted for the words ''may deem to be''.

In subsection (e), the words ''No officer may be unless he is'' are substituted for the words ''officers of the Army shall possess''. The last 16 words of the first sentence are substituted for the Act of June 28, 1950, ch. 383, Title IV, § 404(e), 64 Stat. 274. The last sentence is substituted for 10:1g(f) (1st 9 words).

[§ 3066. Repealed. Pub. L. 96–513, title II, § 201, Dec. 12, 1980, 94 Stat. 2878]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 167; Sept. 2, 1958, Pub. L. 85–861, § 33(a)(19), 72 Stat. 1565, authorized President, by and with consent of Senate, to make temporary appointments in grades of general and lieutenant general from officers of Army on active duty in any grade above brigadier general and specified number of positions in each such grade. See section 601 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3067. Army Medical Department

There is an Army Medical Department in the Army. The Army Medical Department consists of—

(1) the Surgeon General;
(2) the Assistant Surgeons General;
(3) the Medical Corps;
(4) the Dental Corps;
(5) the Veterinary Corps;
(6) the Medical Service Corps;
(7) the Army Nurse Corps; and
(8) the Army Medical Specialist Corps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 168; Pub. L. 85–861, § 1(60), Sept. 2, 1958, 72 Stat. 1462; Pub. L. 90–329, June 4, 1968, 82 Stat. 170.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3067	10:81–1 (less last sentence).	June 28, 1950, ch. 383, § 307 (less last sentence), 64 Stat. 270.

The words ''authorized by sections 21f and 21h, respectively, of this title'' are omitted as surplusage. 10:81–1 (2d sentence) is omitted as covered by section 3064 of this title.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3067(8)	10 App.:81–1.	Aug. 9, 1955, ch. 654, § 3(a), 69 Stat. 579.

AMENDMENTS

1968—Pub. L. 90–329 substituted ''Army Medical Department'' for ''Army Medical Service''.

1958—Pub. L. 85–861 substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'' in cl. (8).

AUGMENTATION OF ARMY MEDICAL DEPARTMENT BY DETAILING RESERVE OFFICERS OF PUBLIC HEALTH SERVICE

Pub. L. 106–398, § 1 [[div. A], title VII, § 755(a), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–197, provided that:

''(a) AUTHORITY.—The Secretary of the Army and the Secretary of Health and Human Services may jointly conduct a program to augment the Army Medical Department by exercising any authorities provided to those officials in law for the detailing of reserve commissioned officers of the Public Health Service not in an active status to the Army Medical Department for that purpose.

''(b) AGREEMENT.—The Secretary of the Army and the Secretary of Health and Human Services shall enter into an agreement governing any program conducted under subsection (a).''

§ 3068. Medical Service Corps: organization; Chief and assistant chiefs

There is a Medical Service Corps in the Army. The Medical Service Corps consists of—

(1) the Chief of the Medical Service Corps, who shall be appointed by the Secretary of the Army from among the officers of the Medical Service Corps whose regular grade is above captain;

(2) the assistant chiefs of the Medical Service Corps, who shall be designated by the Surgeon General from officers in that Corps and who shall be his consultants on activities relating to their sections;

(3) commissioned officers of the Regular Army appointed therein;

(4) other members of the Army assigned thereto by the Secretary of the Army; and

(5) the following sections—

(A) the Pharmacy, Supply, and Administration Section;

(B) the Medical Allied Sciences Section;

(C) the Sanitary Engineering Section;

(D) the Optometry Section; and

(E) other sections considered necessary by the Secretary of the Army.

(Added Pub. L. 89–603, § 1(1), Sept. 24, 1966, 80 Stat. 846; amended Pub. L. 97–295, § 1(37), Oct. 12, 1982, 96 Stat. 1296.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3068(a)	10:81–1 (last sentence, less 5th through 14th words). 10:156a (less 2d sentence).	June 28, 1950, ch. 383, § 307 (last sentence, less 5th through 14th words), 64 Stat. 270.
3068(b)	10:156b.	Aug. 4, 1947, ch. 459, §§ 101 (less 2d sentence), 102(a), (b), 61 Stat. 734, 735; Mar. 23, 1954, ch. 103, 68 Stat. 30.
3068(c)	10:156d.	

In subsection (a), 10:156a (1st 20 words) is omitted as superseded by section 3067 of this title, which establishes the Medical Service Corps in the Army Medical Service. 10:156a (last 16 words of 1st sentence) is omitted as superseded by section 3012(e) of this title, which authorizes the Secretary of the Army to prescribe the duties of members of the Army. 10:81–1 (last sentence, less 5th through 14th words) is omitted as surplusage.

In subsection (b), the words ''of the Regular Army in that corps whose regular grade is above captain'' are substituted for the words ''commissioned in the Medical Service Corps, Regular Army, in the permanent grade of major or above''. The words ''If he holds a lower regular grade'' are substituted for the words ''if commissioned in permanent grade below colonel''. The words ''is entitled'' are substituted for the words ''shall have''. The words ''ranks above'' are substituted for the words ''shall be superior in rank''.

In subsection (c), the words ''is the Surgeon General's consultant'' are substituted for the words ''who shall be consultants to him''.

PRIOR PROVISIONS

A prior section 3068, acts Aug. 10, 1956, ch. 1041, 70A Stat. 168; Sept. 7, 1962, Pub. L. 87–649, § 6(a)(1), 76 Stat. 494, contained substantially the same provisions as the present section but placed the upper limit for the rank of officers of the Medical Service Corps at colonel, prior to repeal by Pub. L. 89–603.

AMENDMENTS

1982—Par. (5). Pub. L. 97–295 redesignated cls. (a), (b), (c), (d), and (e) as subpars. (A), (B), (C), (D), and (E), respectively.

§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade

(a) The Army Nurse Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

(b) The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of major general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

(c) The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.

(Aug. 10, 1956, ch. 1041, 70A Stat. 168; Pub. L. 85–155, title I, § 101(1), Aug. 21, 1957, 71 Stat. 375; Pub. L. 87–649, § 6(b)(1), Sept. 7, 1962, 76 Stat. 494; Pub. L. 89–609, § 1(1), Sept. 30, 1966, 80 Stat. 852; Pub. L. 90–130, § 1(8)(A), Nov. 8, 1967, 81 Stat. 374; Pub. L. 104–201, div. A, title V, § 502(a), Sept. 23, 1996, 110 Stat. 2511; Pub. L. 107–314, div. A, title V, § 504(a)(1), Dec. 2, 2002, 116 Stat. 2531.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3069	10:81–1 (5th through 8th words of last sentence). 10:166(a) (words of last sentence before proviso). 10:166(b).	June 28, 1950, ch. 383, § 307 (5th through 8th words of last sentence), 64 Stat. 270. Apr. 16, 1947, ch. 38 §§ 101(a) (words of last sentence before proviso), 101(b), 61 Stat. 41.

The words ''officers of the Regular Army in that corps'' are substituted for the words ''officers permanently commissioned in such Army Nurse Corps''. The words ''but not for more than'' are substituted for the words ''for a term not to exceed'', in 10:166(a). The words ''vacating her regular grade'' are substituted for the words ''vacation of her permanent grade''.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–314 substituted ''major general'' for ''brigadier general''.

1996—Pub. L. 104–201, § 502(a)(3), inserted ''; grade'' at end of section catchline.

Subsec. (b). Pub. L. 104–201, § 502(a)(1), substituted ''lieutenant colonel'' for ''major'' in first sentence, inserted ''An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.'' after first sentence, and inserted ''to the same position'' before period at end of last sentence.

Subsec. (c). Pub. L. 104–201, § 502(a)(2), substituted ''lieutenant colonel'' for ''major''.

1967—Pub. L. 90–130 divided existing provisions into subsecs. (a), (b), and (c), made minor changes in phraseology, inserted provision for the appointment and service of an assistant chief, struck out limitation restricting membership in the Corps to grades of second lieutenant through colonel, and struck out provision entitling the Chief to the temporary grade of colonel while serving as Chief.

1966—Pub. L. 89–609 combined third and fourth sentences, substituting '', and'' for period at end of third sentence and introductory word ''She'' to fourth sentence, and substituted ''the regular grade held, the Chief'' for ''her regular grade, she'' in fifth sentence.

1962—Pub. L. 87–649 struck out provisions which authorized the pay and allowances of a colonel for Chief of the Army Nurse Corps.

1957—Pub. L. 85–155 substituted ''second lieutenant through colonel'' for ''second lieutenant through lieutenant colonel'', ''major'' for ''captain'', and ''entitled to the temporary grade and the pay and allowances of a colonel while so serving and ranks above all other colonels in that corps'' for ''entitled to the rank, pay and allowances of a colonel so serving''.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–649 effective Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

SHORT TITLE

Section 105 of title I of Pub. L. 85–155 provided that: ''This title [amending this section and sections 3070, 3206, 3207, 3288, 3291, 3296 to 3299, 3304, 3305, 3888, 3915, 3916, 3927, and 3991 of this title] may be cited as the 'Army Nurse and Medical Specialist Act of 1957'.''

SAVINGS PROVISION

Section 104 of Pub. L. 85–155 provided that:

''(a) This Act [amending this section and sections 3070, 3206, 3207, 3288, 3291, 3296 to 3299, 3304, 3305, 3888, 3915, 3916, 3927, 3991, 5140, 5444, 5449, 5702, 5707, 5708, 5753, 5762, 5773, 5775, 5776, 5782, 6377 to 6379, 6381, 6388, 6395, 6396, 8206, 8207, 8212, 8285 to 8288, 8297, 8298 to 8301, 8303, 8305, 8888, 8915, 8927 and 8991 of this title, and repealing sections 3881, 3882, 3887, 3912, 3928, 8291, 8304, 8881, 8882, 8887, 8912 and 8928 of this title] does not affect the appointment of an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, on the active list on the effective date of this Act [Aug. 21, 1957].

''(b) This Act does not affect the retired status or retired pay of a person retired under section 108, Army-Navy Nurses Act of 1947, as amended, or any other law.

''(c) An officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, on the active list on the effective date of this Act [Aug. 21, 1957] does not lose any years of service creditable to her on that date for promotion, computation of basic pay, or other purposes, by the enactment of this Act.

''(d) Notwithstanding any other provision of law, an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, who is on a recommended list for promotion to a higher regular grade on the effective date of this Act [Aug. 21, 1957] may, if nominated by the President and confirmed by the Senate, be promoted to that grade.

''(e) Notwithstanding any other provision of law, an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, who, on the effective date of this Act [Aug. 21, 1957], has been nominated by the President and confirmed by the Senate for appointment to any regular grade, may be appointed in that grade.''

AUTHORITY TO SUSPEND MANDATORY RETIREMENT, DISCHARGE, SEPARATION, OR TRANSFER FROM ACTIVE STATUS

Section 4(a) of Pub. L. 90–130 authorized the Secretary of the Army to suspend the operation of any provision of law relating to the mandatory retirement, discharge, separation, or transfer from an active status of an officer of the Army Nurse Corps, Army Medical Specialist Corps, or Woman's Army Corps for a period of five years following Nov. 8, 1967.

AUTHORITY OF MILITARY DEPARTMENT SECRETARIES TO CONVENE BOARDS TO RECOMMEND DEFERMENT OF RETIREMENT OR SEPARATION OF NURSES

Section 4(f) of Pub. L. 90–130. Nov. 8, 1967, 81 Stat. 384, authorized until July 1, 1972, when the needs of the service required, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force to convene annually boards of officers to consider officers of the Army Nurse Corps, officers of the Navy Nurse Corps, or Air Force nurses, respectively, who otherwise would be required to be retired or separated under this Act within the calendar or fiscal year in which the board is convened. Upon the recommendation of such a board, the Secretary concerned could defer the separation or retirement of such an officer for a term of not more than five years, unless recommended for further deferment by a subsequent board of officers, and in any case not beyond the month following her attaining age sixty or July 1, 1976, whichever was earlier.

§ 3070. Army Medical Specialist Corps: organization; Chief and assistant chiefs

(a) The Army Medical Specialist Corps consists of the Chief and assistant chiefs of that corps, other officers in grades prescribed by the Secretary of the Army, and the following sections:

(1) The Dietitian Section.
(2) The Physical Therapist Section.
(3) The Occupational Therapist Section.
(4) The Physician Assistant Section.
(5) The Chiropractic Section.

(b) The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above captain and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed.

(c) The Surgeon General shall appoint up to five assistant chiefs from officers of the Regular Army in that corps whose regular grade is above captain. Each assistant chief is the chief of a section of that corps. An assistant chief serves during the pleasure of the Surgeon General, but not for more than four years, and may not be reappointed to the same position.

(d) Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Army Medical Specialist Corps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 169; Pub. L. 85–155, title I, § 101(2), Aug. 21, 1957, 71 Stat. 375; Pub. L. 87–649, § 6(b)(2), (3), Sept. 7, 1962, 76 Stat. 494; Pub. L. 89–609, § 1(2), (3), Sept. 30, 1966, 80 Stat. 852; Pub. L. 90–130, § 1(8)(B), Nov. 8, 1967, 81 Stat. 374; Pub. L. 102–190, div. A, title V, § 551(a), Dec. 5, 1991, 105 Stat. 1370; Pub. L. 102–484, div. A, title V, § 505(a), Oct. 23, 1992, 106 Stat. 2404.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3070(a)	10:81–1 (9th through 14th words of last sentence). 10:166a(a) (less 2d sentence; and less last sentence, as applicable to strength).	June 28, 1950, ch. 383, § 307 (9th through 14th words of last sentence), 64 Stat. 270. Apr. 16, 1947, ch. 38, §§ 102(a) (less 2d sentence; and less last sentence, as applicable to strength), 102(b), 61 Stat. 42.
3070(b)	10:166a(b).	

In subsection (a), 10:166a(a) (1st 20 words of 1st sentence) is omitted as superseded by section 3067 of this title, which establishes the Women's Medical Specialist Corps in the Army Medical Service. 10:166a(a) (last 16 words of 1st sentence) is omitted as superseded by section 3012(e) of this title, which authorizes the Secretary of the Army to prescribe the duties of members of the Army.

In subsection (b), the words ''officers of the Regular Army in that corps'' are substituted for the words ''officers permanently commissioned in such Women's Medical Specialist Corps''. The words ''vacating her regular grade'' are substituted for the words ''vacation of her permanent grade''.

AMENDMENTS

1992—Subsec. (a)(5). Pub. L. 102–484, § 505(a)(1), added par. (5).

Subsec. (c). Pub. L. 102–484, § 505(a)(2), substituted ''up to five assistant chiefs'' for ''four assistant chiefs''.

Subsec. (d). Pub. L. 102–484, § 505(a)(3), added subsec. (d).

1991—Subsec. (a). Pub. L. 102–190, § 551(a)(1), (2), substituted ''sections:'' for ''sections—'', substituted ''The'' for ''the'' and a period for the concluding semicolon in par. (1), substituted ''The'' for ''the'' and a period for ''; and'' in par. (2), substituted ''The'' for ''the'' in par. (3), and added par. (4).

Subsec. (c). Pub. L. 102–190, § 551(a)(3), substituted ''four assistant chiefs'' for ''three assistant chiefs'' in first sentence.

1967—Subsec. (a). Pub. L. 90–130 removed limitation restricting membership in the Corps to officers in grades of second lieutenant through colonel and inserted provisions authorizing the Secretary of the Army to prescribe the grades of officers comprising the Corps.

Subsec. (b). Pub. L. 90–130 struck out provision entitling the Chief to the temporary grade of colonel while serving, ranking above all other colonels in the Corps.

Subsec. (c). Pub. L. 90–130 struck out provisions entitling each assistant chief to the temporary grade of lieutenant colonel while so serving, ranking above all other lieutenant colonels in the section.

1966—Subsec. (b). Pub. L. 89–609, § 1(2), combined second and third sentences, substituting '', and'' for period at end of second sentence and introductory word ''She'' to third sentence, and substituted ''the regular grade held, the Chief'' for ''her regular grade, she'' in fourth sentence.

Subsec. (c). Pub. L. 89–609, § 1(3), combined second and third sentences, substituting '', and'' for period at end of second sentence and introductory word ''She'' to third sentence, substituted ''An assistant chief'' for ''She'' in fourth sentence, and in fifth sentence substituted ''the regular grade held'' and ''in the section'' for ''her regular grade'' and ''in her section'', respectively, and struck out ''and the pay and allowances'' before ''of a lieutenant colonel''.

1962—Subsec. (b). Pub. L. 87–649, § 6(b)(2), struck out provisions which authorized the pay and allowances of a colonel for Chief of the Army Medical Specialist Corps.

Subsec. (c). Pub. L. 87–649, § 6(b)(3), struck out provisions which authorized the pay and allowances of a lieutenant colonel for each assistant chief of the Army Medical Specialist Corps.

1957—Pub. L. 85–155 substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'' in section catchline.

Subsec. (a). Pub. L. 85–155 substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'' and ''colonel'' for ''major''.

Subsec. (b). Pub. L. 85–155 struck out provisions which related to assistant chiefs which are now covered by subsec. (c) of this section, substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'', required the chief to be above the regular grade of captain, prohibited service for more than four years and reappointment, and provided that the chief shall rank above all other colonels in the corps.

Subsec. (c). Pub. L. 85–155 added subsec. (c). Former provisions which related to assistant chiefs were contained in subsec. (b) of this section.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–649 effective on Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

REGULATIONS

Section 505(d) of Pub. L. 102–484 provided that: ''The regulations required to be prescribed by the amendments made by this section [enacting section 5139 of this title and amending this section and section 8067 of this title] shall be prescribed not later than 180 days after the date of the enactment of this Act [Oct. 23, 1992].''

APPOINTMENT OF ASSISTANT CHIEF

Section 551(b) of Pub. L. 102–190 provided that: ''Notwithstanding the requirement in subsection (c) of section 3070 of title 10, United States Code, as amended by subsection (a), with respect to the appointment of officers of the Regular Army as chiefs of sections of the Army Medical Specialist Corps, a warrant officer of the Army who is appointed as a reserve commissioned officer and assigned to the Army Medical Specialist Corps for service in the Physician Assistant Section of that Corps during the five-year period beginning on the date of the enactment of this Act [Dec. 5, 1991] may be appointed as an assistant chief of that Corps and chief of the Physician Assistant Section.''

RETIREMENT OF OFFICERS SERVING IN PHYSICIAN ASSISTANT SECTION

Section 551(c) of Pub. L. 102–190 provided that: ''A member of the Army who on the date of the enactment of this Act [Dec. 5, 1991] is a warrant officer serving on active duty (other than for training) as a physician assistant and who is subsequently appointed as a commissioned officer in, or is assigned to, the Physician Assistant Section of the Army Medical Specialist Corps may elect at the time of the officer's retirement after 20 years or more of active service that could be credited to the officer under section 511 of the Career Compensation Act of 1949, as amended [act Oct. 12, 1949, ch. 681, title V, § 511, 63 Stat. 829, as amended, formerly set out as a note under section 580 of this title]—

''(1) to revert to the highest warrant officer grade in which the officer served on active duty (other than for training) satisfactorily (as determined by the Secretary of the Army) for a period of more than 30 days; and

''(2) to be retired under chapter 65 of title 10, United States Code.''

CONSTRUCTIVE CREDIT FOR DETERMINATION OF GRADE AND RANK OF OFFICERS IN ARMY MEDICAL SPECIALIST CORPS

Section 551(d) of Pub. L. 102–190 provided that:

''(1) For the purpose of determining the grade and rank within grade of a person who is appointed as a commissioned officer in the Army Medical Specialist Corps for service in the Physician Assistant Section, or who is assigned to the Army Medical Specialist Corps for service as a physician assistant, and who on the date of the enactment of this Act [Dec. 5, 1991] is a warrant officer and a physician assistant on active duty or in an active reserve status, the Secretary of the Army shall credit that person at the time of such appointment with any service on active duty, or in an active reserve status, as a physician assistant performed as a member of the Armed Forces before that appointment.

''(2) The Secretary of Defense shall prescribe regulations to carry out this subsection.''

AUTHORITY TO SUSPEND MANDATORY RETIREMENT, DISCHARGE, SEPARATION, OR TRANSFER FROM ACTIVE STATUS

Section 4(a) of Pub. L. 90–130 authorized Secretary of the Army to suspend operation of any provision of law relating to mandatory retirement, discharge, separation, or transfer from an active status of an officer of Army Nurse Corps, Army Medical Specialist Corps, or Woman's Army Corps for a period of five years following Nov. 8, 1967.

[§ 3071. Repealed. Pub. L. 95–485, title VIII, § 820(b), Oct. 20, 1978, 92 Stat. 1627]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 169; Sept. 7, 1962, Pub. L. 87–649, § 6(a)(2), (3), 76 Stat. 494; Nov. 8, 1967, Pub. L. 90–130, § 1(8)(C), 81 Stat. 374, prescribed composition of Women's Army Corps and provided for a Director, a Deputy Director, and other positions for Women's Army Corps.

§ 3072. Judge Advocate General's Corps

There is a Judge Advocate General's Corps in the Army. The Judge Advocate General's Corps consists of—

(1) the Judge Advocate General;

(2) the Assistant Judge Advocate General;

(3) three officers in the grade of brigadier general;

(4) commissioned officers of the Regular Army appointed therein; and

(5) other members of the Army assigned thereto by the Secretary of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 169.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3072	10:61–1 (1st sentence, less applicability to strength).	June 28, 1950, ch. 383, § 308 (1st sentence, less applicability to strength), 64 Stat. 270.

The words ''authorized by sections 21f and 21h, respectively, of this title'' are omitted as surplusage. The word ''grade'' is substituted for the word ''rank''. The words ''but the Secretary shall not assign to the Judge Advocate General's Corps any officer who has been appointed and commissioned in some other special branch or in the Regular Army without specification of branch'' are omitted as covered by section 3064 of this title.

§ 3073. Chaplains

There are chaplains in the Army. The Chaplains include—

(1) the Chief of Chaplains;

(2) commissioned officers of the Regular Army appointed as chaplains; and

(3) other officers of the Army appointed as chaplains in the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 170.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3073	10:231a.	June 28, 1950, ch. 383, § 309, 64 Stat. 270.

The words ''authorized by section 21f of this title'', ''as now or hereafter provided by law'', and ''and commissioned or in any component thereof'' are omitted as surplusage.

§ 3074. Commands: territorial organization; engineer tactical units

(a) Except as otherwise prescribed by law or by the Secretary of Defense, the Army shall be divided into such commands, forces, and organizations as may be prescribed by the Secretary of the Army.

(b) For Army purposes, the United States, the Commonwealths and possessions, and other places in which the Army is stationed or is operating may be divided into such areas as may be directed by the Secretary. Officers of the Army may be assigned to command Army activities, installations, and personnel in those areas. In the discharge of the Army's functions or other functions authorized by law, officers so assigned have the duties and powers prescribed by the Secretary.

(c) Such part of the Corps of Engineers as the President directs shall be formed into tactical units organized as he prescribes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 170; Pub. L. 99–433, title V, § 503, Oct. 1, 1986, 100 Stat. 1042; Pub. L. 109–163, div. A, title X, § 1057(a)(6), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3074(a)	10:1d.	June 28, 1950, ch. 383, §§ 303, 304, 64 Stat. 268.
3074(b)	10:1e.	
3074(c)	10:181 (less 1st 39 words).	June 3, 1916, ch. 134, § 11 (less 1st 41 words); restated June 4, 1920, ch. 227, subch. I, § 11 (less 1st 41 words), 41 Stat. 768.

In subsection (b), the words ''have the duties and powers'' are substituted for the words ''shall perform such duties and exercise such powers''. The words ''of America'', ''other provisions'', and ''so assigned'' are omitted as surplusage. The word ''Commonwealths'' is inserted to reflect the present status of Puerto Rico.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–163 substituted ''Commonwealths and possessions'' for ''Territories, Commonwealths, and possessions''.

1986—Subsec. (a). Pub. L. 99–433 inserted reference to Secretary of Defense.

ARMY RESERVE COMMAND

Pub. L. 101–510, div. A, title IX, § 903, Nov. 5, 1990, 104 Stat. 1620, as amended by Pub. L. 102–25, title VII, § 704(a)(7), Apr. 6, 1991, 105 Stat. 118; Pub. L. 103–160, div. A, title IX, § 941, Nov. 30, 1993, 107 Stat. 1736, related to establishment of United States Army Reserve Command and assignment of forces to Army Reserve Command, prior to repeal by Pub. L. 104–201, div. A, title XII, § 1211(b), Sept. 23, 1996, 110 Stat. 2691. See section 10171 of this title.

§ 3075. Regular Army: composition

(a) The Regular Army is the component of the Army that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Army.

(b) The Regular Army includes—

(1) the officers and enlisted members of the Regular Army;

(2) the professors, director of admissions, and cadets of the United States Military Academy; and

(3) the retired officers and enlisted members of the Regular Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 170; Pub. L. 85–600, § 1(1), Aug. 6, 1958, 72 Stat. 522; Pub. L. 95–551, § 2, Oct. 30, 1978, 92 Stat. 2069; Pub. L. 97–295, § 1(39), Oct. 12, 1982, 96 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3075(a)	10:1c(a).	June 28, 1950, ch. 383, § 302, 64 Stat. 268.
3075(b)	10:1c (less (a)).	

In subsection (b), the words ''holding appointments or enlisted in the Regular Army as now or hereafter provided by law'', ''and such other persons as are now or may hereafter be specified by law'', and ''commissioned warrant officers'' are omitted as surplusage, since the

revised section lists all persons in the Regular Army. 10:1c (last sentence) is omitted as executed.

AMENDMENTS

1982—Subsec. (b)(2). Pub. L. 97–295 inserted a comma after ''professors''.

1978—Subsec. (b)(2). Pub. L. 95–551 substituted ''director of admissions'' for ''registrar''.

1958—Subsec. (b)(2). Pub. L. 85–600 included the registrar of the Military Academy.

[§§ 3076 to 3080. Repealed. Pub. L. 103–337, div. A, title XVI, § 1661(a)(3)(A), Oct. 5, 1994, 108 Stat. 2980]

Section 3076, act Aug. 10, 1956, ch. 1041, 70A Stat. 170, related to composition of Army Reserve. See section 10104 of this title.

Section 3077, act Aug. 10, 1956, ch. 1041, 70A Stat. 170, related to composition of Army National Guard of United States. See section 10105 of this title.

Section 3078, act Aug. 10, 1956, ch. 1041, 70A Stat. 171, provided that Army National Guard is a component of Army while in service of United States. See section 10106 of this title.

Section 3079, act Aug. 10, 1956, ch. 1041, 70A Stat. 171, related to status of Army National Guard of United States when not in Federal service. See section 10107 of this title.

Section 3080, added Pub. L. 86–603, § 1(2)(A), July 7, 1960, 74 Stat. 357, related to authority of officers of Army National Guard of United States with respect to Federal status. See section 10215 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

§ 3081. Dental Corps: Chief, functions

(a) The Chief of the Dental Corps shall be an officer of that corps appointed as prescribed in section 3039 of this title.

(b) Under such regulations as the Secretary of the Army may prescribe, all dental functions of the Army shall be under the direction of the Chief of the Dental Corps. All matters relating to dentistry shall be referred to the Chief of the Dental Corps.

(c) The Chief of the Dental Corps shall—

(1) establish professional standards and policies for dental practice;

(2) initiate and recommend action pertaining to organization requirements and utilization of the Dental Corps and dental auxiliary strength, appointments, advancement, training assignments, and transfer of dental personnel; and

(3) serve as the adviser to the Office of the Surgeon General on all matters relating directly to dentistry.

(d) Under such regulations as the Secretary of the Army may prescribe, dental and dental auxiliary personnel throughout the Army shall be organized into units commanded by a designated Dental Corps Officer. Such officer will be directly responsible to the commander of installations, organizations, and activities for all professional and technical matters and such administrative matters as may be prescribed by regulation.

(Added Pub. L. 95–485, title VIII, § 805(b)(1), Oct. 20, 1978, 92 Stat. 1621; amended Pub. L. 99–433, title V, § 502(f)(3), Oct. 1, 1986, 100 Stat. 1042.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99–433 substituted ''section 3039'' for ''section 3040''.

[§ 3082. Renumbered § 10542]

§ 3083. Public Affairs Specialty

There is a career field in the Army known as the Public Affairs Specialty. Members of the Army with the Public Affairs Specialty are—

(1) the Chief of Public Affairs;

(2) commissioned officers of the Army in the grade of major or above who are selected and specifically educated, trained, and experienced to perform as professional public affairs officers for the remainder of their careers; and

(3) other members of the Army assigned to public affairs positions by the Secretary of the Army.

(Added Pub. L. 105–85, div. A, title V, § 596(a), Nov. 18, 1997, 111 Stat. 1765.)

§ 3084. Chief of Veterinary Corps: grade

The Chief of the Veterinary Corps of the Army shall be appointed from among officers of the Veterinary Corps. The Chief of the Veterinary Corps serves in the grade of brigadier general. An officer appointed to that position who holds a lower grade shall be appointed in the grade of brigadier general.

(Added Pub. L. 107–314, div. A, title V, § 504(b)(1), Dec. 2, 2002, 116 Stat. 2531; amended Pub. L. 108–136, div. A, title V, § 502(a), Nov. 24, 2003, 117 Stat. 1456; Pub. L. 109–163, div. A, title X, § 1056(c)(11), Jan. 6, 2006, 119 Stat. 3440.)

AMENDMENTS

2006—Pub. L. 109–163 substituted colon for semicolon in section catchline.

2003—Pub. L. 108–136 inserted ''shall be appointed from among officers of the Veterinary Corps. The Chief of the Veterinary Corps'' after ''Army''.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. A, title V, § 502(b), Nov. 24, 2003, 117 Stat. 1456, provided that: ''The amendment made by subsection (a) [amending this section] shall apply to appointments of the Chief of the Veterinary Corps of the Army that are made on or after the date of the enactment of this Act [Nov. 24, 2003].''

PART II—PERSONNEL

Chap.		Sec.
331.	Strength	3201
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[359.	Repealed.]	
[360.	Repealed.]	
[361.	Repealed.]	

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[363.	Repealed.]	
[365.	Repealed.]	
367.	Retirement for Length of Service	3911
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373.	Civilian Employees	4021
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AMENDMENTS

2003—Pub. L. 108–136, div. A, title V, § 576(a)(2), Nov. 24, 2003, 117 Stat. 1487, added item for chapter 375.

1994—Pub. L. 103–337, div. A, title XVI, § 1672(a), Oct. 5, 1994, 108 Stat. 3015, struck out items for chapters 337 ''Appointments as Reserve Officers'', 361 ''Separation for Various Reasons'', and 363 ''Separation or Transfer to Retired Reserve''.

1980—Pub. L. 96–513, title V, § 502(1), Dec. 12, 1980, 94 Stat. 2909, struck out item for chapter 359 ''Separation from Regular Army for Substandard Performance of Duty'', item for chapter 360 ''Separation from Regular Army for Moral or Professional Dereliction or in Interests of National Security'', and item for chapter 365 ''Retirement for Age''.

1968—Pub. L. 90–377, § 3, July 5, 1968, 82 Stat. 288, struck out item for chapter 351 ''United States Disciplinary Barracks''.

Pub. L. 90–235, § 8(5), Jan. 2, 1968, 81 Stat. 764, struck out item for chapter 347 ''The Uniform''.

1960—Pub. L. 86–616, §§ 2(b), 3(b), July 12, 1960, 74 Stat. 388, 390, substituted ''Substandard Performance of Duty'' for ''Failure to Meet Standards'' in item for chapter 359 and added item for chapter 360.

1958—Pub. L. 85–861, § 1(95), Sept. 2, 1958, 72 Stat. 1487, substituted ''3841'' for ''[No present sections]'' in item for chapter 363.

CHAPTER 331—STRENGTH

Sec.
3201. Officers on active duty: minimum strength based on requirements.
[3202 to 3207, 3209. Repealed.]
3210. Regular Army: strength in grade; general officers.
[3211 to 3225, 3230. Repealed.]

AMENDMENTS

1996—Pub. L. 104–106, div. A, title V, § 505(a)(2), Feb. 10, 1996, 110 Stat. 296, added item 3201.

1994—Pub. L. 103–337, div. A, title XVI, § 1672(b)(2), Oct. 5, 1994, 108 Stat. 3015, struck out items 3212 ''Army Reserve; Army National Guard of the United States: strength in grade; temporary increases'', 3217 ''Reserves: commissioned officers in active status'', 3218 ''Reserves: strength in grade; general officers in active status'', 3219 ''Reserves: strength in grade; commissioned officers in grades below brigadier general in active status'', 3220 ''Reserve officers: distribution'', 3221 ''Army Reserve'', 3222 ''Army Reserve, exclusive of members on active duty'', 3223 ''Army Reserve: warrant officers'', 3224 ''Army National Guard of United States'', and 3225 ''Army National Guard and Army National Guard of United States, exclusive of members on active duty''.

1990—Pub. L. 101–510, div. A, title IV, § 403(b)(1)(B), Nov. 5, 1990, 104 Stat. 1545, struck out item 3202 ''Army: strength in grade; general officers''.

1980—Pub. L. 96–513, title V, § 502(4), Dec. 12, 1980, 94 Stat. 2909, struck out item 3201 ''Army: members on active duty'', substituted ''strength in grade; general officers'' for ''officers in certain commissioned grades'' in item 3202, struck out items 3203 ''Regular Army: members on active duty'', 3204 ''Regular Army: commissioned officers on active list'', 3205 ''Regular Army: commissioned officers on active list, exclusive of certain categories'', 3206 ''Regular Army: commissioned officers on active list; Army Nurse Corps'', 3207 ''Regular Army: commissioned officers on active list; Army Medical Specialist Corps'', 3209 ''Regular Army: commissioned officers on active list; other branches'', and 3211 ''Regular Army: strength in grade; promotion-list officers'', substituted ''Army Reserve; Army National Guard of the United States: strength in grade; temporary increases'' for ''Regular Army; Army Reserve; Army National Guard of United States: strength in grade; temporary increases'' in item 3212, and struck out items 3213 ''Regular Army: warrant officers on active list'', 3214 ''Regular Army: enlisted members on active duty'', 3216 ''Corps of Engineers: enlisted members on active duty'', and 3230 ''Personnel detailed outside Department of Defense''.

1978—Pub. L. 95–485, title VIII, § 820(c)(5), Oct. 20, 1978, 92 Stat. 1627, substituted ''other branches'' for ''other branches; Women's Army Corps'' in item 3209 and struck out item 3215 ''Regular Army: Women's Army Corps; warrant officers on active list; enlisted members on active duty''.

1958—Pub. L. 85–861, § 1(70), Sept. 2, 1958, 72 Stat. 1464, inserted ''; Army Reserve; Army National Guard of United States'' in item 3212, and added items 3217 to 3220 and 3230.

1957—Pub. L. 85–155, title I, § 101(6), Aug. 21, 1957, 71 Stat. 376, substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'' in item 3207.

§ 3201. Officers on active duty: minimum strength based on requirements

(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

(c) In this section:

(1) The term ''programmed manpower structure'' means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

(2) The term ''programmed force structure'' means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.

(Added Pub. L. 104–106, div. A, title V, § 505(a)(1), Feb. 10, 1996, 110 Stat. 295.)

PRIOR PROVISIONS

A prior section 3201, acts Aug. 10, 1956, ch. 1041, 70A Stat. 172; Sept. 2, 1958, Pub. L. 85–861, § 1(62), 72 Stat. 1462; Oct. 13, 1964, Pub. L. 88–647, title III, § 301(4), 78 Stat. 1071, prescribed the authorized strength of the Army in members on active duty, exclusive of certain categories, and the authorized daily average strength of the Army in members on active duty during the fiscal year, exclusive of certain categories, prior to repeal by Pub. L. 96–513, title II, § 202, title VII, § 701, Dec. 12, 1980, 94 Stat. 2878, 2955, effective Sept. 15, 1981.

ASSISTANCE IN ACCOMPLISHING REQUIREMENT

Section 505(b) of Pub. L. 104–106 provided that: ''The Secretary of Defense shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).''

[§ 3202. Repealed. Pub. L. 101–510, div. A, title IV, § 403(b)(1)(A), Nov. 5, 1990, 104 Stat. 1545]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 172; Sept. 2, 1958, Pub. L. 85–861, § 1(63), 72 Stat. 1463; Dec. 28, 1967, Pub. L. 90–228, § 1(1), (2), 81 Stat. 745; Dec. 12, 1980, Pub. L. 96–513, title II, § 203(a), 94 Stat. 2878, related to authorized strength of Army in general officers on active duty.

[§§ 3203 to 3207. Repealed. Pub. L. 96–513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section 3203, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Sept. 2, 1958, Pub. L. 85–861, § 1(64), 72 Stat. 1463, prescribed authorized strength of Regular Army in members on active duty, exclusive of officers candidates.

Section 3204, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173, Aug. 6, 1958, Pub. L. 85–600, § 1(2), 72 Stat. 522; Oct. 30, 1978, Pub. L. 95–551, § 2, 92 Stat. 2069, prescribed authorized strength of Regular Army in commissioned officers of active list.

Section 3205, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Aug. 6, 1958, Pub. L. 85–600, § 1(3), 72 Stat. 522; Sept. 2, 1958, Pub. L. 85–861, § 1(60), (65), 72 Stat. 1462, 1463; Oct. 30, 1978, Pub. L. 95–551, § 2, 92 Stat. 2069, prescribed authorized strength of Regular Army in commissioned officers on active list, exclusive of certain categories.

Section 3206, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(4), 71 Stat. 376; Nov. 8, 1967, Pub. L. 90–130, § 1(9)(A), (B), 81 Stat. 375, prescribed authorized strength of Regular Army Nurse Corps in commissioned officers on active list of Regular Army.

Section 3207, acts Aug. 10, 1956, ch. 1041, 70A Stat. 173; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(5), 71 Stat. 376; Nov. 8, 1967, Pub. L. 90–130, § 1(9)(C), (D), 81 Stat. 375, prescribed authorized strength of Army Medical Specialist Corps in commissioned officers on active list of Regular Army.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3209. Repealed. Pub. L. 96–513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 174; Sept. 2, 1958, Pub. L. 85–861, § 1(60), 72 Stat. 1462; Nov. 8, 1967, Pub. L. 90–130, § 1(9)(E), 81 Stat. 375; Oct. 20, 1978, Pub. L. 95–485, title VIII, § 820(c)(1), (2), 92 Stat. 1627, prescribed, with exception of Army Nurse Corps and Army Medical Specialist Corps, the authorized strength of each branch in commissioned officers on active list of Regular Army.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3210. Regular Army: strength in grade; general officers

(a) Subject to section 526 of this title, the authorized strength of the Regular Army in general officers on the active-duty list is 75/10,000 of the authorized strength of the Regular Army in commissioned officers on the active-duty list.

(b) The authorized strength of each of the following branches—

(1) each corps of the Army Medical Department; and

(2) the Chaplains;

in general officers on the active-duty list of the Regular Army is 5/1,000 of the authorized strength of the branch concerned in commissioned officers on the active-duty list of the Regular Army. Not more than one-half of the authorized strength in general officers in such a branch may be in a regular grade above brigadier general.

(c) When the application of the percentages and ratios specified in this section results in a fraction, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

(Aug. 10, 1956, ch. 1041, 70A Stat. 174; Pub. L. 85–861, § 1(66), Sept. 2, 1958, 72 Stat. 1463; Pub. L. 89–603, § 1(2), Sept. 24, 1966, 80 Stat. 846; Pub. L. 90–329, June 4, 1968, 82 Stat. 170; Pub. L. 96–513, title V, § 502(5), Dec. 12, 1980, 94 Stat. 2909; Pub. L. 97–22, § 5(b), July 10, 1981, 95 Stat. 128; Pub. L. 102–190, div. A, title X, § 1061(a)(20)(A), Dec. 5, 1991, 105 Stat. 1473.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3210(a)	10:506a(a) (words before 1st semicolon).	Aug. 7, 1947, ch. 512, § 503(a), 61 Stat. 885.
3210(b)	10:506a(a) (less words before 1st semicolon, and less provisos).	June 28, 1950, ch. 383, § 308 (1st sentence, as applicable to strength), 64 Stat. 270.
3210(c)	10:61–1 (1st sentence, as applicable to strength).	
	10:506a(a) (1st, 2d, and 3d provisos).	
3210(d)	10:506a(a) (4th proviso).	
3210(e)	10:506a(a) (last proviso).	

As enacted, section 503(a) of the Officer Personnel Act of 1947 (10:506a(a)), provided, subject to certain percentage limitations, for the following authorized strength of the Regular Army in general officers on the active list:

Medical Corps	16
Dental Corps	4
Veterinary Corps	1
The Chaplains	2
Army, exclusive of the above	334
Total	357

Under section 208(e) of the National Security Act of 1947 (5 U.S.C. 626c(e)), allocations of those authorized strengths were made between the Army and the Air Force as follows:

	Army	*Air Force*
Medical Corps	12	4
Dental Corps	3	1
Veterinary Corps	1	0
The Chaplains	1	1
Army and Air Force, exclusive of the above	184	150
Total	201	156

After the enactment of the Officer Personnel Act of 1947, section 308 of the Army Organization Act of 1950 (10:61–1) provided for an Assistant Judge Advocate General and three brigadier generals in the Judge Advocate General's Corps of the Army. The creation of these four general officer spaces served to increase the mentioned authorized strength figure from 357 to 361, and the figure 201 to 205. The opinion of the Judge Advocate General of the Army (JAGA 1948/5806, 2 Sept. 1948) is in accord with that conclusion.

The revised section reflects the authorized strength of the Regular Army in general officers on the active

list resulting from the mentioned allocation to the Air Force and the addition of four general officer spaces in the Judge Advocate General's Corps.

That allocation, and those mentioned in the explanation of [former] subsection (c), below, have had the force of law since July 26, 1950, when the period for transfers, including the administrative authority to change these allocations, expired.

The word ''regular'' is substituted for the word ''permanent'' throughout the revised section.

In subsection (c), 10:506a(a) (1st proviso) is omitted, since there is no authority to appoint to a Regular grade above major general. 10:506a(a) (last 65 words of 2d proviso) is omitted as executed by the declaration of a national emergency on December 16, 1950.

In subsection (c)(1), the figures ''12'' and ''6'' result from the allocation of the original figures ''16'' and ''8''.

In subsection (c)(2), the figures ''3'' and ''2'' result from the allocation of the original figures ''4'' and ''2''.

In subsection (c)(3), the figure ''1'' results from the allocation of the original figure ''1''. None was allocated to the Air Force.

In subsection (c)(4), the figure ''1'' results from the allocation of the original figures ''2'' and ''1''. (The major general was allocated to the Army, the brigadier general to the Air Force.)

In subsection (c)(5), the figures ''188'' and ''94'' result from the allocation of the original figures ''334'' and ''167''. The allocation of 188 corresponds to the allotment made by the Secretary of War between the Air Corps and the Army exclusive of the Air Corps, the Medical Department, and the Chaplains, under 10:506a(a) (3d proviso). That proviso is omitted as executed.

In subsection (e), the words ''by law to hold any civil office under the United States'' are substituted for the words ''by Acts of Congress to hold appointments in the Diplomatic or Consular Service of the Government or to hold any civil office under the Government''.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3210(a)	10 App.:506a(a)(1) (less 3d, 4th, 5th, and last sentences).	July 20, 1956, ch. 646, § 302 (1st par.), 70 Stat. 587.
3210(b)	10 App.:506a(a)(1) (3d and 4th sentences).	
3210(c)	10 App.:506a(a)(1) (5th sentence).	
3210(d)	10 App.:506a(a)(1) (last sentence).	

In subsection (a), the words ''Subject to section 3202(a) of this title'' are inserted for clarity.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102–190 substituted ''section 526'' for ''section 3202(a)''.

1981—Subsec. (a). Pub. L. 97–22 struck out '', exclusive of the number authorized for the Army Medical Department and the Chaplains,'' before ''is 75/10,000''.

Pub. L. 97–22, which directed amendment of subsec. (a) by striking out '', exclusive of the number of commissioned officers on the active-duty list authorized for the Army Medical Department and the Chaplains'', was executed by striking out '', exclusive of the number of commissioned officers on the active list authorized for the Army Medical Department and the Chaplains'' before period at end of first sentence, to reflect the probable intent of Congress. See 1980 Amendment note and Effective Date of 1980 Amendment note below.

1980—Subsec. (a). Pub. L. 96–513, § 502(5)(A), (B), substituted ''active-duty list'' for ''active list'' wherever appearing and struck out provisions that, of the authorized strength, not more than one-half could be in a regular grade above brigadier general.

Subsec. (b). Pub. L. 96–513, § 502(5)(A), (C), substituted ''active-duty list'' for ''active list'' wherever appearing and substituted paragraphed references to ''(1) each corps of the Army Medical Department'' and ''(2) the Chaplains'' for former paragraphed references to ''(1) The Medical Corps'', ''(2) the Dental Corps'', ''(3) the Veterinary Corps'', and ''(4) the Chaplains''.

Subsecs. (d), (e). Pub. L. 96–513, § 502(5)(D), struck out subsec. (d) which provided that general officers on the active list of the Regular Army who were specifically authorized by law to hold a civil office under the United States or any instrumentality thereof were not counted in determining authorized strength under this section and subsec. (e) which had provided that the authorized strength of the Medical Service Corps in general officers on the active list of the Regular Army was one commissioned officer in the regular grade of brigadier general.

1968—Subsec. (a). Pub. L. 90–329 substituted ''Army Medical Department'' for ''Army Medical Service'' in two places.

1966—Subsec. (e). Pub. L. 89–603 added subsec. (e).

1958—Subsec. (a). Pub. L. 85–861, § 1(66)(A), substituted ''Subject to section 3202(a) of this title, the'' for ''The''.

Subsecs. (c) to (e). Pub. L. 85–861, § 1(66)(B), struck out subsec. (c) which prescribed the number of general officers authorized for the active list of the Regular Army, and redesignated subsecs. (d) and (e) as (c) and (d), respectively.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

[§ 3211. Repealed. Pub. L. 96–513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 175; Sept. 2, 1958, Pub. L. 85–861, § 1(67), 72 Stat. 1463; Nov. 8, 1967, Pub. L. 90–130, § 1(9)(F), 81 Stat. 375, prescribed authorized strength of Regular Army in officers in each regular grade on promotion lists set forth in section 3296 of this title. See section 521 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3212. Repealed. Pub. L. 103–337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 175; Sept. 2, 1958, Pub. L. 85–861, § 1(68), 72 Stat. 1463; June 30, 1960, Pub. L. 86–559, § 1(6), 74 Stat. 265; Nov. 8, 1967, Pub. L. 90–130, § 1(9)(G), 81 Stat. 375; Dec. 12, 1980, Pub. L. 96–513, title V, § 502(6), 94 Stat. 2909, related to temporary increases in authorized strength in grades of Army Reserve and Army National Guard of United States. See section 12009 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§§ 3213, 3214. Repealed. Pub. L. 96–513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section 3213, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, prescribed authorized strength of Regular Army in warrant officers on active list.

Section 3214, acts Aug. 10, 1956, ch. 1041, 70A Stat. 176; Sept. 2, 1958, Pub. L. 85–861, § 1(64), 72 Stat. 1463, prescribed authorized strength of Regular Army in enlisted members on active duty, exclusive of officer candidates.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3215. Repealed. Pub. L. 95–485, title VIII, § 820(c)(3), Oct. 20, 1978, 92 Stat. 1627]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 176; Nov. 8, 1967, Pub. L. 90–130, § 1(9)(H), 81 Stat. 375, authorized strength of Women's Army Corps of Regular Army in warrant officers on active list and in enlisted members on active duty to be prescribed by Secretary.

[§ 3216. Repealed. Pub. L. 96–513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, prescribed authorized strength of Corps of Engineers in enlisted members on active duty.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§§ 3217 to 3225. Repealed. Pub. L. 103–337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]

Section 3217, added Pub. L. 85–861, § 1(69)(A), Sept. 2, 1958, 72 Stat. 1463, related to authorized strength of Army in reserve commissioned officers in active status. See section 12003 of this title.

Section 3218, added Pub. L. 85–861, § 1(69)(A), Sept. 2, 1958, 72 Stat. 1463; amended Pub. L. 96–107, title III, § 302(a), Nov. 9, 1979, 93 Stat. 806; Pub. L. 100–456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 102–190, div. A, title X, § 1061(a)(20)(B), Dec. 5, 1991, 105 Stat. 1473, related to authorized strength of Army in reserve general officers in active status. See section 12004 of this title.

Section 3219, added Pub. L. 85–861, § 1(69)(A), Sept. 2, 1958, 72 Stat. 1464, related to authorized strength of Army in reserve commissioned officers in active status in grades below brigadier general. See section 12005(a) of this title.

Section 3220, added Pub. L. 85–861, § 1(69)(A), Sept. 2, 1958, 72 Stat. 1464; amended Pub. L. 95–485, title VIII, § 820(c)(4), Oct. 20, 1978, 92 Stat. 1627, related to distribution of reserve commissioned officers by Secretary of the Army. See section 12007 of this title.

Section 3221, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, related to authorized strength of Army Reserve. See section 12001 of this title.

Section 3222, acts Aug. 10, 1956, ch. 1041, 70A Stat. 176; Dec. 12, 1980, Pub. L. 96–513, title V, § 502(7), 94 Stat. 2909, related to authorized strength of Army Reserve, exclusive of members on active duty. See section 12002(a) of this title.

Section 3223, act Aug. 10, 1956, ch. 1041, 70A Stat. 176, related to authorized strength of Army Reserve in warrant officers. See section 12008 of this title.

Section 3224, act Aug. 10, 1956, ch. 1041, 70A Stat. 177, related to authorized strength of Army National Guard of United States. See section 12001 of this title.

Section 3225, acts Aug. 10, 1956, ch. 1041, 70A Stat. 177; Dec. 12, 1980, Pub. L. 96–513, title V, § 502(7), 94 Stat. 2909; Sept. 29, 1988, Pub. L. 100–456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to authorized strength of Army National Guard and Army National Guard of United States, exclusive of members on active duty. See section 12002 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§ 3230. Repealed. Pub. L. 96–513, title II, § 232, Dec. 12, 1980, 94 Stat. 2886]

Section, added Pub. L. 85–861, § 1(69)(B), Sept. 2, 1958, 72 Stat. 1464, provided that members of Army who are detailed for duty with agencies of United States outside Department of Defense on a reimbursable basis not be counted in computing strengths under any law.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CHAPTER 333—ENLISTMENTS

Sec.
3251. Definition.
3252. Bonus to encourage Army personnel to refer persons for enlistment in the Army.
[3253 to 3256. Repealed.]
3258. Regular Army: reenlistment after service as an officer.
[3259 to 3261. Repealed.]
3262. Army: percentage of high-school graduates.
[3263, 3264. Repealed.]

AMENDMENTS

2008—Pub. L. 110–181, div. A, title VI, § 671(a)(2), Jan. 28, 2008, 122 Stat. 182, added item 3252.

2006—Pub. L. 109–163, div. A, title V, § 542(b)(2), Jan. 6, 2006, 119 Stat. 3253, struck out item 3253 ''Army: persons not qualified''.

2002—Pub. L. 107–314, div. A, title V, § 531(c), Dec. 2, 2002, 116 Stat. 2544, struck out item 3264 ''18-month enlistment pilot program''.

2001—Pub. L. 107–107, div. A, title V, § 541(a)(2), Dec. 28, 2001, 115 Stat. 1110, added item 3264.

1994—Pub. L. 103–337, div. A, title XVI, § 1672(b)(3), Oct. 5, 1994, 108 Stat. 3015, struck out items 3259 ''Army Reserve: transfer from Army National Guard of United States'', 3260 ''Army Reserve: transfer to upon withdrawal as member of Army National Guard'', and 3261 ''Army National Guard of United States''.

1986—Pub. L. 99–661, div. A, title IV, § 402(b), Nov. 14, 1986, 100 Stat. 3859, added item 3262.

1968—Pub. L. 90–235, § 2(a)(2)(C), Jan. 2, 1968, 81 Stat. 756, struck out item 3252 ''Temporary enlistments'', item 3254 ''Army: during war or emergency'', item 3255 ''Regular Army: recruiting campaigns'', item 3256 ''Regular Army: qualifications, term, grade'', item 3262 ''Extension of enlistment for members needing medical care or hospitalization'', and item 3263 ''Voluntary extension of enlistment''.

1958—Pub. L. 85–861, § 1(71)(C), Sept. 2, 1958, 72 Stat. 1465, added item 3263.

§ 3251. Definition

In this chapter, the term ''enlistment'' means original enlistment or reenlistment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 177; Pub. L. 100–180, div. A, title XII, § 1231(19)(A), Dec. 4, 1987, 101 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3251	[No source].	[No source].

The revised section is inserted for clarity.

AMENDMENTS

1987—Pub. L. 100–180 inserted '', the term'' after ''In this chapter''.

§ 3252. Bonus to encourage Army personnel to refer persons for enlistment in the Army

(a) AUTHORITY TO PAY BONUS.—

(1) AUTHORITY.—The Secretary of the Army may pay a bonus under this section to an individual referred to in paragraph (2) who refers to an Army recruiter a person who has not

previously served in an armed force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

(A) A member in the regular component of the Army.

(B) A member of the Army National Guard.

(C) A member of the Army Reserve.

(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

(E) A civilian employee of the Department of the Army.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when the individual concerned contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the Department of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army or civilian employee of the Department of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of this title to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person.

(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of this title.

(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under this title, title 37 or 38, or any other provision of law.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2010.

(Added Pub. L. 110–181, div. A, title VI, § 671(a)(1), Jan. 28, 2008, 122 Stat. 181; amended Pub. L. 110–417, [div. A], title VI, § 615(b), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 616(2), Oct. 28, 2009, 123 Stat. 2354.)

PRIOR PROVISIONS

A prior section 3252, act Aug. 10, 1956, ch. 1041, 70A Stat. 177, provided that temporary enlistments could be made only in the Army without specification of component, prior to repeal by Pub. L. 90–235, § 2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

AMENDMENTS

2009—Subsec. (h). Pub. L. 111–84 substituted ''December 31, 2010'' for ''December 31, 2009''.

2008—Subsec. (h). Pub. L. 110–417 substituted ''December 31, 2009'' for ''December 31, 2008''.

[§ 3253. Repealed. Pub. L. 109–163, div. A, title V, § 542(b)(1), Jan. 6, 2006, 119 Stat. 3253]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 177; Pub. L. 87–143, § 1(1), Aug. 17, 1961, 75 Stat. 364; Pub. L. 90–235, § 2(a)(2)(A), Jan. 2, 1968, 81 Stat. 756; Pub. L. 96–513, title V, § 512(3), Dec. 12, 1980, 94 Stat. 2929, provided that, in peace time, Army enlistment was available only to citizens and persons lawfully admitted to the United States for permanent residence.

[§§ 3254 to 3256. Repealed. Pub. L. 90–235, § 2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756]

Section 3254, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, provided for temporary enlistments in the Army during war or emergency.

Section 3255, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, provided for recruiting campaigns to obtain enlistments in the Regular Army.

Section 3256, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, set forth qualifications for and term of enlistments in the Regular Army and the grade in which such enlistments were made.

MEMBERS OF ARMY AND AIR FORCE SERVING UNDER ENLISTMENTS FOR UNSPECIFIED PERIODS ON JAN. 2, 1968; CONTINUANCE IN STATUS; DISCHARGE

Section 3(c) of Pub. L. 90–235 provided that: ''Members of the Army or the Air Force who, on the effective date of this Act [Jan. 2, 1968], are serving under enlistments for unspecified periods under sections 3256(b) and 8256(b) of title 10, United States Code, shall continue in that status and shall be discharged therefrom in accordance with laws applicable to such discharges on the day before the effective date of this Act.''

§ 3258. Regular Army: reenlistment after service as an officer

(a) Any former enlisted member of the Regular Army who has served on active duty as an officer of the Army, or who was discharged as an enlisted member to accept an appointment as an officer of the Army, is entitled to be reenlisted in the Regular Army in the enlisted grade that

he held before his service as an officer, without loss of seniority or credit for service, regardless of the existence of a vacancy in his grade or of a physical disability incurred or having its inception in line of duty, if (1) his service as an officer is terminated by an honorable discharge or he is relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and (2) he applies for reenlistment within six months (or such other period as the Secretary of the Army prescribes for exceptional circumstances) after termination of that service.

(b) A person is not entitled to be reenlisted under this section if—

(1) the person was discharged or released from active duty as an officer on the basis of a determination of—

(A) misconduct;

(B) moral or professional dereliction;

(C) duty performance below prescribed standards for the grade held; or

(D) retention being inconsistent with the interests of national security; or

(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the commission held by that person during the active duty from which the person was released or discharged.

(Aug. 10, 1956, ch. 1041, 70A Stat. 179; Pub. L. 85–603, § 1(1), Aug. 8, 1958, 72 Stat. 526; Pub. L. 102–484, div. A, title V, § 520(a), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 110–181, div. A, title V, § 506(a), Jan. 28, 2008, 122 Stat. 96.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3258	10:631a (less last proviso).	July 14, 1939, ch. 267, § 1 (less last proviso); restated May 29, 1954, ch. 249, § 19(b) (less last proviso), 68 Stat. 166.

The words ''former'' and ''as an enlisted member'' are inserted for clarity. The words ''credit for service'' are substituted for the words ''of service''. The words ''in his grade'' are substituted for the words ''in the appropriate enlisted grade''. The words ''he applies'' are substituted for the words ''application shall be made''. The words ''Hereafter'' and ''while on active duty'' are omitted as surplusage.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–181, § 506(a)(1), substituted ''an officer'' for ''a Reserve officer'' and ''an appointment'' for ''a temporary appointment''.

Subsec. (b)(1). Pub. L. 110–181, § 506(a)(2)(A), substituted ''an officer'' for ''a Reserve officer'' in introductory provisions.

Subsec. (b)(2). Pub. L. 110–181, § 506(a)(2)(B), substituted ''the commission'' for ''the Reserve commission''.

1992—Pub. L. 102–484 designated existing provisions as subsec. (a), added subsec. (b), and struck out at end of subsec. (a) ''However, if his service as an officer terminated by a general discharge, he may, under regulations to be prescribed by the Secretary of the Army, be so reenlisted.''

1958—Pub. L. 85–603 limited entitlement to be reenlisted in enlisted grade to those officers whose service terminated by an honorable discharge and those relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and provided that persons whose service terminated by a general discharge, may, under regulations to be prescribed by the Secretary of the Army, be so reenlisted.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 520(c) of Pub. L. 102–484 provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 8258 of this title] shall apply to persons discharged or released from active duty as commissioned officers in the Army Reserve or the Air Force Reserve, respectively, after the date of the enactment of this Act [Oct. 23, 1992].''

[§§ 3259 to 3261. Repealed. Pub. L. 103–337, div. A, title XVI, § 1662(b)(3), Oct. 5, 1994, 108 Stat. 2990]

Section 3259, acts Aug. 10, 1956, ch. 1041, 70A Stat. 179; Sept. 29, 1988, Pub. L. 100–456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to transfers in grade of enlisted members of Army National Guard of United States to Army Reserve. See section 12105 of this title.

Section 3260, act Aug. 10, 1956, ch. 1041, 70A Stat. 179, provided that enlisted members of Army National Guard of United States are transferred to Army Reserve upon withdrawal as members of Army National Guard. See section 12106 of this title.

Section 3261, acts Aug. 10, 1956, ch. 1041, 70A Stat. 179; Sept. 2, 1958, Pub. L. 85–861, § 33(a)(20), 72 Stat. 1565; Oct. 4, 1961, Pub. L. 87–378, § 3, 75 Stat. 808, related to enlistment in Army National Guard of United States. See section 12107 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

§ 3262. Army: percentage of high-school graduates

Notwithstanding section 520(b) of this title, of the males with no prior military service who are enlisted or inducted into the Army during any fiscal year, the number who are not high-school graduates may not exceed, as of the end of the fiscal year, 35 percent of all such persons.

(Added Pub. L. 99–661, div. A, title IV, § 402(a), Nov. 14, 1986, 100 Stat. 3859; amended Pub. L. 100–370, § 1(a)(2), July 19, 1988, 102 Stat. 840.)

HISTORICAL AND REVISION NOTES

1988 ACT

Amendment of section is based on Pub. L. 93–307, title IV, § 401, June 8, 1974, 88 Stat. 234, as amended by Pub. L. 93–365, title VII, § 705, Aug. 5, 1974, 88 Stat. 406.

PRIOR PROVISIONS

A prior section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 180; Sept. 2, 1958, Pub. L. 85–861, § 1(71), 72 Stat. 1464, provided for extension of enlistment of members of the Army needing medical care or hospitalization, prior to repeal by Pub. L. 90–235, § 2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

AMENDMENTS

1988—Pub. L. 100–370 substituted ''Notwithstanding section 520(b) of this title, of'' for ''Of''.

[§ 3263. Repealed. Pub. L. 90–235, § 2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756]

Section, Pub. L. 85–861, § 1(71)(B), Sept. 2, 1958, 72 Stat. 1465; Pub. L. 87–649, § 14c(4), Sept. 7, 1962, 76 Stat. 501,

provided for voluntary extension of enlistments in the Army.

[§ 3264. Repealed. Pub. L. 107–314, div. A, title V, § 531(c), Dec. 2, 2002, 116 Stat. 2544]

Section, added Pub. L. 107–107, div. A, title V, § 541(a)(1), Dec. 28, 2001, 115 Stat. 1109, related to an 18-month enlistment pilot program to increase participation of prior service persons in Selected Reserve and to provide assistance in building pool of participants in Individual Ready Reserve.

CHAPTER 335—APPOINTMENTS IN THE REGULAR ARMY

Sec.
3281. Commissioned officer grades.
3282. General officers: title of office.
3283. Commissioned officers: appointment without specification of branch; transfer between branches.
[3284 to 3309. Repealed.]
3310. Warrant officers: original appointment; qualifications.
[3311 to 3314. Repealed.]

AMENDMENTS

1980—Pub. L. 96–513, title V, § 502(8), Dec. 12, 1980, 94 Stat. 2909, struck out items 3284 ''Commissioned officers: appointment, how made'', 3285 ''Commissioned officers: original appointment; qualifications'', 3286 ''Commissioned officers: original appointment; age limitations'', 3287 ''Commissioned officers: original appointment; service credit'', 3288 ''Commissioned officers: original appointment; determination of grade'', 3289 ''Commissioned officers; Medical Corps: original appointment; professional examination'', 3290 ''Commissioned officers; Medical Service Corps: original appointment; additional qualifications, grade'', 3291 ''Commissioned officers: Army Nurse Corps and Army Medical Specialist Corps: original appointment; additional qualifications, grade'', 3292 ''Commissioned officers; Judge Advocate General's Corps: original appointment; additional qualifications, grade'', 3293 ''Commissioned officers; Chaplains: original appointment; examination'', 3294 ''Commissioned officers; Medical and Dental Corps: original appointment'', 3295 ''Commissioned officers: original appointment; determination of place on promotion list'', 3296 ''Promotion lists: promotion-list officer defined; determination of place upon transfer or promotion'', 3297 ''Selection boards'', 3298 ''Commissioned officers: promotion to first lieutenant; effect of failure of promotion'', 3299 ''Commissioned officers: promotion to captain, major, or lieutenant colonel'', 3300 ''Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure'', 3302 ''Commissioned officers: Medical, Dental, and Veterinary Corps: promotion to captain, major, or lieutenant colonel; professional examination'', 3303 ''Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel'', 3305 ''Commissioned officers: promotion to colonel'', 3306 ''Commissioned officers: promotion to brigadier general'', 3307 ''Commissioned officers: promotion to major general'', 3308 ''Commissioned officers: effect of removal from recommended list by President or failure of confirmation by Senate'', 3309 ''Commissioned officers: physical examination for promotion'', 3312 ''Officers: acceptance of promotion'', 3313 ''Suspension of laws for promotion or mandatory retirement or separation during war or emergency'', and 3314 ''Commissioned officers: promotion not to be delayed by another appointment''.

1978—Pub. L. 95–485, title VIII, § 820(d)(5), Oct. 20, 1978, 92 Stat. 1627, struck out item 3311 ''Officers: female; limitations on appointment''.

1967—Pub. L. 90–130, § 1(10)(C), (E), Nov. 8, 1967, 81 Stat. 375, struck out item 3304 ''Commissioned officers; Army Nurse Corps and Army Medical Specialist: promotion to lieutenant colonel or colonel'', and struck out ''other than officers in Army Nurse Corps and Army Medical Specialist Corps'' after ''Commissioned officers'' in item 3305.

1958—Pub. L. 85–861, § 1(79)(B), Sept. 2, 1958, 72 Stat. 1468, added item 3314.

1957—Pub. L. 85–155, title I, § 101(9), (15), (17), Aug. 21, 1957, 71 Stat. 377, 379, substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'' in item 3291, ''Army Medical Specialist'' for ''Women's Medical Specialist Corps'' and ''promotion to lieutenant colonel or colonel'' for ''promotion to first lieutenant, captain, major, or lieutenant colonel'' in item 3304, and ''Commissioned officers other than officers in Army Nurse Corps and Army Medical Specialist Corps'' for ''Commissioned officers'' in item 3305.

§ 3281. Commissioned officer grades

The commissioned grades in the Regular Army are:

(1) Major general.
(2) Brigadier general.
(3) Colonel.
(4) Lieutenant colonel.
(5) Major.
(6) Captain.
(7) First lieutenant.
(8) Second lieutenant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 181.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3281	10:506(a) (last 24 words).	Aug. 7, 1947, ch. 512, § 502(a) (last 24 words), 61 Stat. 884.

§ 3282. General officers: title of office

An officer holding an appointment as a general officer in the Regular Army may be called a general officer in the Regular Army. In addition, a general officer of the Regular Army in the Medical Corps, Dental Corps, Veterinary Corps, Judge Advocate General's Corps, or the Chaplains, may be called a general officer of that branch.

(Aug. 10, 1956, ch. 1041, 70A Stat. 181.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3282	10:506(b) (less 2d sentence).	Aug. 7, 1947, ch. 512, § 502(b) (less 2d sentence), 61 Stat. 884.

The words ''may be called'' are substituted for the words ''shall be known as'' and ''may be specifically referred to''. The words ''of that branch'' are substituted for the enumeration of branches.

§ 3283. Commissioned officers: appointment without specification of branch; transfer between branches

(a) Appointments in commissioned grades in the Regular Army shall be made without specification of branch except in each of the special branches and as professors or director of admissions of the United States Military Academy.

(b) Commissioned officers appointed in the Regular Army without specification of branch shall be assigned, and may be transferred and reassigned, by the Secretary of the Army to

branches other than the special branches, according to their professional qualifications and the needs of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 181; Pub. L. 85–600, § 1(4), Aug. 6, 1958, 72 Stat. 522; Pub. L. 95–485, title VIII, § 820(d)(1), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 95–551, § 2, Oct. 30, 1978, 92 Stat. 2069.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3283(a)	10:506(b) (2d sentence).	Aug. 7, 1947, ch. 512, § 502(b) (2d sentence), (c) (less proviso), 61 Stat. 884; June 12, 1948, ch. 449, § 104(d)(1), 62 Stat. 358.
	10:506(c) (1st sentence).	
3283(b)	10:506(c) (less 1st sentence and less proviso).	

Subsection (a) is substituted for 10:506(b) (2d sentence) and 506(c) (1st sentence). The words ''in each of the special branches'' are substituted for the enumeration of branches in 10:506(b) (2d sentence) and for the words ''each of the several corps of the Army Medical Service, as chaplains'', in 10:506(c).

In subsection (b), the words ''other than the special branches and the Women's Army Corps'' are substituted for 10:506(c) (words between 3d and 4th parentheses). The word ''their'' is substituted for the words ''of the officers concerned''. The words ''of the Army'' are substituted for the words ''of the branches, arms, and services''. The words ''from time to time'' and ''arms, and services'' are omitted as surplusage.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–551 substituted ''director of admissions'' for ''registrar''.

Pub. L. 95–485 struck out '', in the Women's Army Corps,'' after ''special branches''.

Subsec. (b). Pub. L. 95–485 struck out ''and the Women's Army Corps'' after ''special branches''.

1958—Subsec. (a). Pub. L. 85–600 inserted reference to registrar of the Military Academy.

[§§ 3284 to 3300. Repealed. Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 3284, act Aug. 10, 1956, ch. 1041, 70A Stat. 181, provided that appointments in commissioned grades in Regular Army be made by President, by and with the advice and consent of Senate. See section 531 of this title.

Section 3285, acts Aug. 10, 1956, ch. 1041, 70A Stat. 181; Sept. 2, 1958, Pub. L. 85–861, § 1(72), 72 Stat. 1465, prescribed eligibility requirements for original appointment in a commissioned grade in Regular Army, except in Medical Corps or Dental Corps and except a graduating cadet. See section 532 of this title.

Section 3286, acts Aug. 10, 1956, ch. 1041, 70A Stat. 181; Sept. 2, 1958, Pub. L. 85–861, § 1(73), 72 Stat. 1465, prescribed age limitations for original appointment in a commissioned grade in Regular Army, except in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 532 of this title.

Section 3287, acts Aug. 10, 1956, ch. 1041, 70A Stat. 182; Sept. 2, 1958, Pub. L. 85–861, § 1(74), 72 Stat. 1466, provided service credit, in the discretion of the Secretary of the Army, for a person originally appointed in a commissioned grade in the Regular Army, except the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, for the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Army, and eligibility for promotion, with appointment and service credit restrictions on persons who were cadets at the United States Military, Naval, or Air Force Academies but were not graduated, and a disallowance of service credits under this section for persons who graduated from one of these Academies. See section 533 of this title.

Section 3288, acts Aug. 10, 1956, ch. 1041, 70A Stat. 183; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(7), 71 Stat. 376; Sept. 2, 1958, Pub. L. 85–861, § 1(75), 72 Stat. 1466, provided for determination of grade of a person originally appointed as a commissioned officer in Regular Army, except in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 533 of this title.

Section 3289, act Aug. 10, 1956, ch. 1041, 70A Stat. 183, provided that no person be originally appointed as a first lieutenant in Regular Army in Medical Corps until he passes an examination of his professional fitness before an examining board composed of at least three officers of Medical Corps designated by Secretary of the Army. See section 532 of this title.

Section 3290, act Aug. 10, 1956, ch. 1041, 70A Stat. 183, provided that an original appointment in Regular Army in Medical Service Corps be made only in grade of second lieutenant and from members of Regular Army, reserves not in an inactive status, or graduates of an accredited school of pharmacy or optometry, or of a school or college who hold a degree in a science allied to medicine or any other degree approved by Surgeon General. See section 532 of this title.

Section 3291, acts Aug. 10, 1956, ch. 1041, 70A Stat. 183; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(8), 71 Stat. 376; Sept. 30, 1966, Pub. L. 89–609, § 1(4), 80 Stat. 852, prescribed eligibility requirements for an original appointment in Regular Army in Army Nurse Corps or Army Medical Specialist Corps in grade of second lieutenant, first lieutenant, and captain and provided for determination of years of service creditable for promotion. See section 532 of this title.

Section 3292, act Aug. 10, 1956, ch. 1041, 70A Stat. 184, provided that original appointments in commissioned grades in Regular Army in Judge Advocate General's Corps be made from officers of Regular Army in other branches, reserve commissioned officers assigned to Judge Advocate General's Corps, or qualified civilian graduates of accredited law schools. See section 532 of this title.

Section 3293, act Aug. 10, 1956, ch. 1041, 70A Stat. 184, provided that no person in civil life be originally appointed as a chaplain in Regular Army unless he has passed an examination prescribed by President as to his morale, mental, and physical qualifications. See section 532 of this title.

Section 3294, acts Aug. 10, 1956, ch. 1041, 70A Stat. 184; Sept. 2, 1958, Pub. L. 85–861, § 1(77), 72 Stat. 1467, provided that original appointments in Regular Army be made in grades of first lieutenant through colonel in Medical Corps or Dental Corps as the Army requires, from qualified doctors of medicine, osteopathy, or dentistry who are citizens of the United States and have such other qualifications as the Secretary of the Army prescribes, with specific additional eligibility requirements for a doctor of osteopathy, and that officers so appointed receive service credit for determining grade, position on a promotion list, seniority in grade in Regular Army, and eligibility for promotion. See section 532 of this title.

Section 3295, acts Aug. 10, 1956, ch. 1041, 70A Stat. 184; Sept. 2, 1958, Pub. L. 85–861, § 1(78), 72 Stat. 1467, provided for determination of the place on a promotion list of name of each person who is originally appointed in a commissioned grade in Regular Army and whose name is to be carried on a promotion list, other than persons appointed in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 624 of this title.

Section 3296, acts Aug. 10, 1956, ch. 1041, 70A Stat. 184; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(10), 71 Stat. 377; Aug. 6, 1958, Pub. L. 85–600, § 1(5), 72 Stat. 522; June 4, 1968, Pub. L. 90–329, 82 Stat. 170; Oct. 20, 1978, Pub. L. 95–485, title VIII, § 820(d)(2), 92 Stat. 1627; Oct. 30, 1978, Pub. L. 95–551, § 2, 92 Stat. 2069, provided for promotion lists in Regular Army for all commissioned officers in grades below brigadier general on active list, with exceptions, which officers are known as ''promotion-list officers'', a separate list for Chaplains and each of the

several branches of Army Medical Department, and determination of place on list upon transfer or promotion. See section 624 of this title.

Section 3297, acts Aug. 10, 1956, ch. 1041, 70A Stat. 185; Aug. 21, 1957, Pub. L. 85–155, title I, §101(11), 71 Stat. 377; July 12, 1960, Pub. L. 86–616, §1(1), 74 Stat. 386; Oct. 20, 1978, Pub. L. 95–485, title VIII, §820(d)(3), 92 Stat. 1627, provided for selection boards to recommend promotion-list officers and brigadier generals of Regular Army for promotion in Regular Army. See section 611 et seq. of this title.

Section 3298, acts Aug. 10, 1956, ch. 1041, 70A Stat. 185; Aug. 21, 1957, Pub. L. 85–155, title I, §101(12), 71 Stat. 377; Nov. 8, 1967, Pub. L. 90–130, §1(10)(A), 81 Stat. 375, provided for promotion from grade of second lieutenant to first lieutenant after 3 years of service, discharge under section 3814 of this title upon failure of promotion, and filling vacancies for first lieutenants with second lieutenants prior to completion of 3 years of service. See section 630 of this title.

Section 3299, acts Aug. 10, 1956, ch. 1041, 70A Stat. 186; Aug. 21, 1957, Pub. L. 85–155, title I, §101(13), 71 Stat. 377; Sept. 2, 1958, Pub. L. 85–861, §33(a)(21), 72 Stat. 1565; Nov. 8, 1967, Pub. L. 90–130, §1(10)(B), 81 Stat. 375, provided that promotion-list officers be promoted to regular grades of captain, major, and lieutenant colonel, after specified length of service or without regard to length of service in view of actual or anticipated vacancies if Secretary of the Army so directs, or be eliminated from active list under section 3303 of this title and a promotion-list officer who has twice been considered and not recommended for promotion to any one regular grade not be again considered for promotion under this section. See sections 631 and 632 of this title.

Section 3300, acts Aug. 10, 1956, ch. 1041, 70A Stat. 186; July 12, 1960, Pub. L. 86–616, §1(2), 74 Stat. 386, provided for selection board procedure when promotion-list officers in regular grade of first lieutenant, captain, or major are to be considered for promotion under section 3299 of this title. See section 611 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§§ 3302, 3303. Repealed. Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 3302, act Aug. 10, 1956, ch. 1041, 70A Stat. 187, related to promotion to captain, major, or lieutenant colonel of commissioned officers of Medical Corps, Dental Corps, and Veterinary Corps upon examination of professional fitness and effect upon failure of promotion. See sections 631 and 632 of this title.

Section 3303, acts Aug. 10, 1956, ch. 1041, 70A Stat. 188; July 12, 1960, Pub. L. 86–616, §1(3), 74 Stat. 386; June 28, 1962, Pub. L. 87–509, §4(a), 76 Stat. 121, related to effect of failure of a promotion-list officer considered for promotion to grade of captain, major, or lieutenant colonel under section 3299 of this title to be recommended for promotion, which officer was to be known as a ''deferred officer''. See sections 631 and 632 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3304. Repealed. Pub. L. 90–130, § 1(10)(C), Nov. 8, 1967, 81 Stat 375]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 189; Aug. 21, 1957, Pub. L. 85–155, title I, §101(14), 71 Stat. 378, covered promotion of officers in the Army Nurse Corps and the Army Medical Specialists Corps to colonel and lieutenant colonel, set out the requirements of officers on the promotion lists, and provided for the procedure to be followed in determining the order of promotion.

[§§ 3305 to 3309. Repealed. Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 3305, acts Aug. 10, 1956, ch. 1041, 70A Stat. 189; Aug. 21, 1957, Pub. L. 85–155, title I, §101(16), 71 Stat. 379; Nov. 8, 1967, Pub. L. 90–130, §1(10)(D), (E), 81 Stat. 375, related to promotion of officers in regular grade of lieutenant colonel to grade of colonel. See section 619 et seq. of this title.

Section 3306, act Aug. 10, 1956, ch. 1041, 70A Stat. 190, related to promotion of officers in regular grade of colonel to grade of brigadier general. See section 619 et seq. of this title.

Section 3307, act Aug. 10, 1956, ch. 1041, 70A Stat. 191, related to promotion of officers in regular grade of brigadier general to grade of major general. See section 619 et seq. of this title.

Section 3308, act Aug. 10, 1956, ch. 1041, 70A Stat. 192, related to effect of removal from recommended list by President of name of any promotion-list officer or brigadier general of Regular Army who in President's opinion is not qualified for promotion or who is not confirmed by Senate. See section 629 of this title.

Section 3309, act Aug. 10, 1956, ch. 1041, 70A Stat. 192, provided that President prescribe a system of physical examination for all commissioned officers of Regular Army in grades below brigadier general to determine their fitness for promotion in Regular Army. See section 624 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3310. Warrant officers: original appointment; qualifications

Original appointments as warrant officers in the Regular Army shall be made from persons who have served on active duty at least one year in the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 192.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3310	10:591. [Uncodified: June 3, 1916, ch. 134, §4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, §4 (3d par., less 3d and last sentences), 41 Stat. 761].	June 3, 1916, ch. 134, §4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, §4 (3d par., less 3d and last sentences), 41 Stat. 761. Aug. 21, 1941, ch. 384, §2; restated May 29, 1954, ch. 249, §19(c), 68 Stat. 166.

The first sentence of section 4a of the Act of June 3, 1916, cited above, is omitted as superseded by section 3213 of this title. The second sentence, less first nine words, of section 4a of that act, is omitted as superseded by 10:591.

[§ 3311. Repealed. Pub. L. 95–485, title VIII, § 820(d)(4), Oct. 20, 1978, 92 Stat. 1627]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 192; Sept. 2, 1958, Pub. L. 85–861, §1(60), 72 Stat. 1462, provided that with the exception of those appointed as commissioned officers in Medical Corps, Dental Corps, Medical Service Corps, Veterinary Corps, Army Nurse Corps, or Army Medical Specialist Corps, women be appointed as commissioned officers in Regular Army only in Women's Army Corps.

[§§ 3312 to 3314. Repealed. Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 3312, act Aug. 10, 1956, ch. 1041, 70A Stat. 193, provided that an officer who is promoted in Regular

Army is considered to have accepted his promotion on date of the order announcing it, unless he expressly declines it, without the need to take oath of office upon promotion if his service since last taking it has been continuous. See section 626 of this title.

Section 3313, act Aug. 10, 1956, ch. 1041, 70A Stat. 193, provided that in time of war or national emergency declared by Congress or President, President may suspend operation of provision of law relating to promotion, mandatory retirement, or separation of commissioned officers of the Regular Army. See section 123(a) and (b) of this title.

Section 3314, added Pub. L. 85–861, §1(79)(A), Sept. 2, 1958, 72 Stat. 1467, provided that promotion to a higher grade of a commissioned officer of Regular Army who is on a recommendation list awaiting promotion not be withheld or delayed because of original appointment of any other person to a commissioned grade in Regular Army and that this section does not apply to appointments in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 624 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[CHAPTER 337—REPEALED]

[§ 3351. Renumbered § 12211]

[§ 3352. Renumbered § 12213]

[§§ 3353, 3354. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(1), Oct. 5, 1994, 108 Stat. 2963]

Section 3353, added Pub. L. 85–861, §1(80)(B), Sept. 2, 1958, 72 Stat. 1468; amended Pub. L. 86–559, §1(8), June 30, 1960, 74 Stat. 265; Pub. L. 96–513, title II, §205(a), Dec. 12, 1980, 94 Stat. 2881; Pub. L. 97–22, §5(c), July 10, 1981, 95 Stat. 128; Pub. L. 98–94, title X, §1007(c)(3), Sept. 24, 1983, 97 Stat. 662; Pub. L. 100–180, div. A, title VII, §714(b), Dec. 4, 1987, 101 Stat. 1112; Pub. L. 103–160, div. A, title V, §509(b), Nov. 30, 1993, 107 Stat. 1647, related to service credit upon original appointment as reserve commissioned officer in Army. See section 12207 of this title.

Section 3354, acts Aug. 10, 1956, ch. 1041, 70A Stat. 194; Sept. 2, 1958, Pub. L. 85–861, §1(80)(C), 72 Stat. 1468, related to appointment of warrant officers and enlisted members of Army National Guard of United States as reserve officers.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§ 3355. Repealed. Pub. L. 88–647, title III, § 301(5), Oct. 13, 1964, 78 Stat. 1071]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 194; Sept. 2, 1958, Pub. L. 85–861, §33(a)(22), 72 Stat. 1565, related to appointment of graduates of Reserve Officers' Training Corps as reserve commissioned officers. See section 2106 of this title.

[§§ 3357 to 3390. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(1), Oct. 5, 1994, 108 Stat. 2963]

Section 3357, acts Aug. 10, 1956, ch. 1041, 70A Stat. 194; Sept. 2, 1958, Pub. L. 85–861, §1(60), (80)(D), 72 Stat. 1462, 1468, related to eligibility for appointment as reserve officer for service in Army Reserve in Army Nurse Corps or Army Medical Specialist Corps.

Section 3359, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1469; amended Pub. L. 98–94, title X, §1014(a), Sept. 24, 1983, 97 Stat. 666; Pub. L. 98–525, title V, §521(a), Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99–145, title V, §521(a), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100–180, div. A, title V, §502(a), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101–189, div. A, title V, §503(a), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102–484, div. A, title V, §519(a), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103–160, div. A, title V, §514(a), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104–106, div. A, title V, §511(a), Feb. 10, 1996, 110 Stat. 298, related to determination of grade upon original appointment as reserve officer of Army. See section 12201 et seq. of this title.

Section 3360, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1469; amended Pub. L. 86–559, §1(9), June 30, 1960, 74 Stat. 266; Pub. L. 96–513, title V, §§502(10), 512(4), Dec. 12, 1980, 94 Stat. 2910, 2929; Pub. L. 98–94, title X, §1016(b), Sept. 24, 1983, 97 Stat. 668, related to service required for promotion of Reserve commissioned officers. See section 14001 et seq. of this title.

Section 3362, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1470; amended Pub. L. 86–559, §1(10), June 30, 1960, 74 Stat. 266, related to convening of selection boards to consider Reserve commissioned officers for promotion. See section 14101 et seq. of this title.

Section 3363, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1470; amended Pub. L. 86–559, §1(11), June 30, 1960, 74 Stat. 266; Pub. L. 95–485, title VIII, §820(e)(1), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 100–456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to requirements and procedures for promotion of officers in reserve grades. See section 14301 et seq. of this title.

Section 3364, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1471; amended Pub. L. 86–559, §1(12), June 30, 1960, 74 Stat. 266; Pub. L. 95–485, title VIII, §820(e)(2)–(4), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 98–525, title V, §512, Oct. 19, 1984, 98 Stat. 2521; Pub. L. 100–456, div. A, title XII, §1234(a)(4), Sept. 29, 1988, 102 Stat. 2059, related to commissioned reserve officers' selection for promotion, order of promotion, zone of consideration lists, and declinations of promotion. See section 14301 et seq. of this title.

Section 3365, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1472, related to promotion of second lieutenants of Army Reserve. See section 14301 et seq. of this title.

Section 3366, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1472; amended Pub. L. 86–559, §1(13), June 30, 1960, 74 Stat. 267; Pub. L. 90–130, §1(11)(A), Nov. 8, 1967, 81 Stat. 375, related to promotion of first lieutenants, captains, and majors of Army Reserve or Army National Guard of United States. See section 14301 et seq. of this title.

Section 3367, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1473; amended Pub. L. 86–559, §1(14), June 30, 1960, 74 Stat. 268; Pub. L. 90–130, §1(11)(B), Nov. 8, 1967, 81 Stat. 375, related to promotion of first lieutenants, captains, and majors of Army Reserve to fill vacancies. See section 14301 et seq. of this title.

Section 3368, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474, related to second consideration for promotion of first lieutenants, captains, and majors of Army Reserve. See section 14301 et seq. of this title.

Section 3369, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474, related to first promotion of reserve officers not assigned to unit after transfer from unit or from Army National Guard of United States.

Section 3370, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474; amended Pub. L. 86–559, §1(15), June 30, 1960, 74 Stat. 269; Nov. 8, 1967, Pub. L. 90–130, §1(11)(C), (D), 81 Stat. 375; Pub. L. 100–456, div. A, title XII, §1234(a)(5), Sept. 29, 1988, 102 Stat. 2059, related to promotion of officers to grade of colonel to fill vacancies. See section 14301 et seq. of this title.

Section 3371, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1475, related to promotion of brigadier generals and colonels not assigned to units. See section 14301 et seq. of this title.

Section 3375, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1475, related to transfer or discharge of reserve generals ceasing to occupy commensurate positions. See section 14314(a) of this title.

Section 3378, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476, related to promotion of reserve commissioned officers removed from active status. See section 14317(a) of this title.

Section 3380, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476; amended Pub. L. 98–94, title X, §1015(a)(1), Sept. 24, 1983, 97 Stat. 667; Pub. L. 99–145, title V, §521(b), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100–180, div. A, title V, §502(b)(1), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101–189, div. A, title V, §503(b)(1), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102–484, div. A, title V, §519(b), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103–160, div. A, title V, §514(b), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104–106, div. A, title V, §511(b), Feb. 10, 1996, 110 Stat. 298, related to promotion of reserve commissioned officers on active duty and not on the active duty list. See section 14311(e) of this title.

Section 3382, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476, related to promotion of second lieutenants of Army Reserve assigned to units. See section 14301 et seq. of this title.

Section 3383, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477; amended Pub. L. 86–559, §1(16), June 30, 1960, 74 Stat. 270; Pub. L. 88–620, §2, Oct. 3, 1964, 78 Stat. 999; Pub. L. 90–130, §1(11)(E), Nov. 8, 1967, 81 Stat. 376; Pub. L. 95–485, title VIII, §820(e)(5), Oct. 20, 1978, 92 Stat. 1627, related to promotion of officers of Army Reserve to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies. See section 14301 et seq. of this title.

Section 3384, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477, related to promotion of officers of Army Reserve to grades of brigadier general or major general to fill vacancies. See section 14315 of this title.

Section 3385, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477, related to promotion of officers of Army National Guard of United States upon Federal recognition. See section 14308(f) of this title.

Section 3386, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478, related to promotion of reserve commissioned officers upon release from active duty. See section 14301 et seq. of this title.

Section 3388, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478, related to effect of commissioned officer of Army Reserve entering upon active duty while eligible for promotion. See section 14301 et seq. of this title.

Section 3389, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478; amended Pub. L. 86–559, §1(17), June 30, 1960, 74 Stat. 270, related to promotion of commissioned officers of Army Reserve or Army National Guard of United States to higher reserve grades after temporary appointments. See section 14301 et seq. of this title.

Section 3390, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478; amended Pub. L. 100–456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to procedure for promotion to higher reserve grade of officer of Army National Guard of United States after temporary appointment. See section 14301 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§ 3391. Repealed. Pub. L. 90–130, § 1(11)(F), Nov. 8, 1967, 81 Stat. 376]

Section, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1479; Pub. L. 86–559, §1(18), June 30, 1960, 74 Stat. 270, prohibited promotion of reserve officers of Army Nurse Corps or Army Medical Specialist Corps to reserve grades above colonel and prohibited promotion of reserve officers of Women's Army Corps to reserve grades above lieutenant colonel.

[§§ 3392 to 3396. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(1), Oct. 5, 1994, 108 Stat. 2963]

Section 3392, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1479; amended Pub. L. 100–456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to appointment of adjutants general or assistant adjutants general as reserve officers of Army. See section 12215(a) of this title.

Section 3393, added Pub. L. 85–861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1479, provided that sea or foreign service not be made condition for promotion of reserve commissioned officers in reserve grades.

Section 3394, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, related to acceptance of promotion by officers of Army National Guard of United States or Army Reserve. See section 14309 of this title.

Section 3395, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, related to appointment of reserve officers in time of war. See section 14301 et seq. of this title.

Section 3396, added Pub. L. 96–513, title II, §206(a), Dec. 12, 1980, 94 Stat. 2884, provided that chapter, except section 3353, did not apply to reserve officers on active-duty list.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

CHAPTER 339—TEMPORARY APPOINTMENTS

Sec.
[3441 to 3445. Repealed.]
3446. Retention on active duty.
[3447 to 3452. Repealed.]

AMENDMENTS

1980—Pub. L. 96–513, title V, §502(11), Dec. 12, 1980, 94 Stat. 2910, struck out items 3441 ''General rule'', 3442 ''Commissioned officers; regular and reserve components: appointment in higher grade'', 3444 ''Commissioned officers: during war or emergency'', 3445 ''Officers: additional appointments during war or emergency'', 3447 ''Appointments in commissioned grade: how made; how terminated'', 3448 ''Warrant officers: grades, appointment'', 3449 ''Warrant officers: promotion'', 3451 ''Officers: acceptance of appointment in higher grade'', and 3452 ''Officers; Medical and Dental Corps: temporary promotion to captain''.

1968—Pub. L. 90–235, §3(b)(2), Jan. 2, 1968, 81 Stat. 758, struck out item 3450 ''Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency''.

1958—Pub. L. 85–861, §1(81)(F), (G), Sept. 2, 1958, 72 Stat. 1480, struck out item 3443 ''Commissioned officers; Reserves; appointment in higher or lower grade'' and added item 3452.

[§§ 3441, 3442. Repealed. Pub. L. 96–513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]

Section 3441, act Aug. 10, 1956, ch. 1041, 70A Stat. 195, provided that temporary appointments be made only in the Army without specification of component.

Section 3442, act Aug. 10, 1056, ch. 1041, 70A Stat. 195, provided that a regular commissioned officer, or a reserve commissioned officer who is serving on active duty, may be appointed, based upon ability and efficiency with regard being given to seniority and age, in a temporary grade that is equal to or higher than his regular or reserve grade, without vacating any other grade held by him. See section 601 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3443. Repealed. Pub. L. 85–861, § 36B(6), Sept. 2, 1958, 72 Stat. 1570]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 196, related to grade of appointment of reserve commissioned officers on active duty.

[§§ 3444, 3445. Repealed. Pub. L. 96–513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]

Section 3444, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85–861, § 1(81)(A), 72 Stat. 1480, authorized the President, in time of war or national emergency, to appoint any qualified person, including a person who is not a Regular or Reserve, in any temporary grade, provided for vacation of the appointment, and permitted, for purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, an officer of the Medical Corps or Dental Corps who is appointed in a temporary grade to be credited, when he enters active duty, with constructive service authorized by section 3294(b) of this title. See section 603 of this title.

Section 3445, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85–861, § 1(81)(B), 72 Stat. 1480, provided that in addition to the temporary appointments authorized, in time of war or national emergency, a regular officer or a reserve warrant officer may be appointed in any temporary grade higher than his regular or reserve grade, without vacating that grade, or a person who holds no commissioned grade in the Regular Army be appointed in any temporary commissioned grade. See section 603 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3446. Retention on active duty

The President may retain on active duty a disabled officer until—

(1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or

(2) the officer is processed for physical disability benefits provided by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 196; Pub. L. 85–861, § 1(81)(C), Sept. 2, 1958, 72 Stat. 1480; Pub. L. 101–189, div. A, title XVI, § 1621(a)(10), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 102–25, title VII, § 701(j)(6), Apr. 6, 1991, 105 Stat. 116.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3446	10:499.	June 19, 1948, ch. 511, 62 Stat. 489.

The word ''shall'' is substituted for the words ''authorized and directed''. The words ''on active duty'' are substituted for the words ''in service''. The words ''warrant officers, and flight officers'' are omitted, since the definition of ''officer'' in section 101(14) of this title covers commissioned, warrant, and flight officers. The words ''who has only a temporary appointment'' are substituted for the words ''of the Army of the United States''. The words ''his physical condition is such that he'' are substituted for the words ''their treatment for physical reconstruction has reached a point where they''. The words ''in the Army'' are substituted for the words ''in the military service''.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3446	10 App.:499.	June 15, 1956, ch. 388, 70 Stat. 282.

The words ''commissioned officers and warrant'' are omitted as covered by the definition of the word ''officer'' in section 101(14) of this title. The words ''condition is such that'' are substituted for the words ''reconstruction has reached a point where''.

AMENDMENTS

1991—Par. (2). Pub. L. 102–25 struck out ''as'' before ''provided by law''.

1989—Pub. L. 101–189 amended section generally. Prior to amendment, section read as follows: ''Notwithstanding any other provision of law, the President may retain on active duty a disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law.''

1958—Pub. L. 85–861 substituted ''may retain on active duty a disabled officer'' for ''shall retain on active duty any disabled officer who has only a temporary appointment'', and ''military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law'' for ''military hospital or in the Army''.

[§§ 3447 to 3449. Repealed. Pub. L. 96–513, title II, §§ 207, 208, Dec. 12, 1980, 94 Stat. 2884]

Section 3447, acts Aug. 10, 1956, ch. 1041, 70A Stat. 196; Sept. 2, 1958, Pub. L. 85–861, § 1(81)(D), 72 Stat. 1480; Sept. 28, 1971, Pub. L. 92–129, title VI, § 602, 85 Stat. 361, provided that temporary appointment of a person be made without reference to any other appointment that he may hold in the Army, temporary appointments of commissioned officers in the Regular Army be made by the President alone in grades below lieutenant colonel and by the President, by and with the consent of the Senate, in grades of lieutenant colonel and above, temporary appointments of commissioned officers in the reserve components of the Army be made by the President alone in grades below lieutenant colonel and by the President, by and with the consent of the Senate, in grades above major, and that the President may vacate at any time a temporary appointment in a commissioned grade. See section 601 of this title.

Section 3448, acts Aug. 10, 1956, ch. 1041, 70A Stat. 197; Aug. 8, 1958, Pub. L. 85–603, § 1(2), 72 Stat. 526, authorized the Secretary of the Army, upon his determination of need, to appoint qualified persons as warrant officers, with such appointments to continue at the pleasure of the Secretary, and such warrant officers entitled to count all periods of active duty under the appointment as warrant or enlisted service for all purposes and to the benefits of all laws and regulations applicable to the retirement, pensions, and disability of members of the Army on active duty. See section 602 of this title.

Section 3449, act Aug. 10, 1956, ch. 1041, 70A Stat. 197, provided that temporary promotions in warrant officer grades be governed by such regulations as the Secretary of the Army prescribe. See section 602 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3450. Repealed. Pub. L. 90–235, § 3(b)(1), Jan. 2, 1968, 81 Stat. 758]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 197, provided for suspension of laws for promotion or mandatory retirement or separation during war or emergency of temporary warrant officers of the Army.

[§§ 3451, 3452. Repealed. Pub. L. 96–513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]

Section 3451, act Aug. 10, 1956, ch. 1041, 70A Stat. 197, provided that an officer who is promoted to a temporary grade is considered to have accepted his promotion on the date of the order announcing it, unless he expressly declines the promotion.

Section 3452, added Pub. L. 85–861, § 1(81)(E), Sept. 2, 1958, 72 Stat. 1480, provided that, notwithstanding any other provision of law, an officer of Medical Corps or Dental Corps may be promoted to temporary grade of captain at any time after first anniversary of date upon which he graduated from a medical, osteopathic, or dental school.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CHAPTER 341—ACTIVE DUTY

Sec.
3491. Non-regular officers: status.
[3492 to 3502. Repealed.]
3503. Retired commissioned officers: status.
[3504. Repealed.]

AMENDMENTS

1994—Pub. L. 103–337, div. A, title XVI, § 1672(b)(4), Oct. 5, 1994, 108 Stat. 3015, struck out items 3495 ''Army National Guard of United States: status'', 3496 ''Army National Guard of United States: commissioned officers; duty in National Guard Bureau'', 3497 ''Army National Guard of United States: members; status in which ordered into Federal service'', 3498 ''Army National Guard of United States: mobilization; maintenance of organization'', 3499 ''Army National Guard in Federal service: status'', 3500 ''Army National Guard in Federal service: call'', 3501 ''Army National Guard in Federal service: period of service; apportionment'', and 3502 ''Army National Guard in Federal service: physical examination''.

1980—Pub. L. 96–513, title V, § 502(12), Dec. 12, 1980, 94 Stat. 2910, struck out item 3494 ''Commissioned officers: grade in which ordered to active duty'' and item 3504 ''Retired members: limitations; grade''.

1968—Pub. L. 90–235, § 1(a)(3), (b), Jan. 2, 1968, 81 Stat. 753, struck out item 3492 ''Members: service extension during war'', and item 3493 ''Army Reserve: commissioned officers with Corps of Engineers''.

1958—Pub. L. 85–861, § 1(82)(B), Sept. 2, 1958, 72 Stat. 1481, added item 3494.

§ 3491. Non-regular officers: status

A commissioned officer of the Army, other than of the Regular Army, who is on active duty in any commissioned grade has the rights and privileges, and is entitled to the benefits, provided by law for a commissioned officer of the Army Reserve—

(1) whose reserve grade is that in which the officer not of the Regular Army is serving;

(2) who has the same length of service as the officer not of the Regular Army; and

(3) who is on active duty in his reserve grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 198.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3491	10:506d(h).	Aug. 7, 1947, ch. 512, § 515(h), 61 Stat. 908.

The first 12 words are substituted for 10:506d(h) (1st 11 words). The words ''has the rights and privileges, and is entitled to the benefits'' are substituted for the words ''shall be entitled to the same rights, privileges, and benefits''. Clause (1) is substituted for the words ''in a grade the same as such 'active-duty grade' ''. The words ''as the officer not of the Regular Army'' are substituted for the words ''holding appointment in the Army Reserve''. The words ''his reserve grade'' are substituted for the words ''the grade held in the Army Reserve''.

[§§ 3492, 3493. Repealed. Pub. L. 90–235, § 1(a)(2), (b), Jan. 2, 1968, 81 Stat. 753]

Section 3492, act Aug. 10, 1956, ch. 1041, 70A Stat. 198, provided for extension of active service of Army members during war. See section 671a of this title.

Section 3493, act Aug. 10, 1956, ch. 1041, 70A Stat. 198, empowered the President to order commissioned officers of the Army Reserve to active duty with the Corps of Engineers.

[§ 3494. Repealed. Pub. L. 96–513, title II, § 209(a), Dec. 12, 1980, 94 Stat. 2884]

Section, added Pub. L. 85–861, § 1(82)(A), Sept. 2, 1958, 72 Stat. 1481; amended Pub. L. 86–559, § 1(20), June 30, 1960, 74 Stat. 271, provided that a reserve commissioned officer who is ordered to active duty be ordered to that duty in his reserve grade unless the Secretary of the Army orders him to active duty, other than for training, in a higher temporary grade and authorized a reserve commissioned officer who is selected for participation in a program under which he will be ordered to active duty for at least one academic year at a civilian school or college to be ordered, upon his request, to that duty in a temporary grade that is lower than his reserve grade, without affecting his reserve grade. See section 12320 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§§ 3495 to 3502. Repealed. Pub. L. 103–337, div. A, title XVI, § 1662(f)(2), Oct. 5, 1994, 108 Stat. 2994]

Section 3495, act Aug. 10, 1956, ch. 1041, 70A Stat. 198, provided that members of Army National Guard of United States were not in active Federal service except when ordered thereto under law. See section 12401 of this title.

Section 3496, act Aug. 10, 1956, ch. 1041, 70A Stat. 198, authorized President to order commissioned officers of Army National Guard of United States to active duty in National Guard Bureau. See section 12402(a), (b)(1) of this title.

Section 3497, act Aug. 10, 1956, ch. 1041, 70A Stat. 199, provided that members of Army National Guard of United States ordered to active duty were to be ordered to duty as Reserves of Army. See section 12403 of this title.

Section 3498, act Aug. 10, 1956, ch. 1041, 70A Stat. 199, related to organization during initial mobilization of units of Army National Guard of United States ordered into active Federal service. See section 12404 of this title.

Section 3499, act Aug. 10, 1956, ch. 1041, 70A Stat. 199, related to application of laws governing Army to members of Army National Guard called into Federal service. See section 12405 of this title.

Section 3500, acts Aug. 10, 1956, ch. 1041, 70A Stat. 199; Sept. 29, 1988, Pub. L. 100–456, div. A, title XII, § 1234(a)(1), (3), 102 Stat. 2059, authorized President to call Army National Guard units and members into Federal service. See section 12406 of this title.

Section 3501, acts Aug. 10, 1956, ch. 1041, 70A Stat. 199; Sept. 29, 1988, Pub. L. 100–456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to period of service

and apportionment of members and units of Army National Guard called into Federal service. See section 12407 of this title.

Section 3502, act Aug. 10, 1956, ch. 1041, 70A Stat. 200, related to physical examinations of members of Army National Guard called into Federal service. See section 12408 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

§ 3503. Retired commissioned officers: status

A retired commissioned officer of the Army who is on active duty is considered, for all purposes except promotion, to be an officer of the branch or organization to which he is assigned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 200.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3503	10:999.	July 9, 1918, ch. 143, subch. XX (2d par.), 40 Stat. 893.

The words ''and shall be an extra number therein'' are omitted, since, in the opinion of the Judge Advocate General of the Army (JAG 210.85, Feb. 21, 1923), they were repealed by the Act of July 31, 1935, ch. 422, 49 Stat. 505. The words ''in the discretion of the President, employed assigned to duty'' are omitted as surplusage. The word ''branch'' is substituted for the words ''arms, corps, department'' to conform to sections 3063 and 3064 of this title.

[§ 3504. Repealed. Pub. L. 96–513, title II, § 210, Dec. 12, 1980, 94 Stat. 2884]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 200; Sept. 2, 1958, Pub. L. 85–861, § 1(83), 72 Stat. 1481, authorized the President to order any retired member of the Regular Army to active duty and assign him duties considered necessary in the interests of national defense and provided that, when ordered to active duty, a retired commissioned officer of the Army any part of whose service was in the Corps of Engineers be eligible to fill any position required by law to be filled by a commissioned officer of the Corps of Engineers and that any officer who served four years as Chief of the Medical Service Corps, any officer who served two and one-half years as Chief of the Army Nurse Corps or as Chief or an assistant chief of the Women's Medical Specialist Corps or the Army Medical Specialist Corps, or any officer who served two and one-half years as Director or Deputy Director of the Women's Army Corps be ordered to active duty in his retired grade. See section 688 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CHAPTER 343—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

Sec.
[3531, 3532. Repealed.]
3533. Corps of Engineers: assignment or transfer of officers to duties involving civil functions.
3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia.
[3535. Repealed.]
3536. Leader of Army Band: appointment.
[3538 to 3542. Repealed.]
3543. Aides: detail; number authorized.
Sec.
[3544 to 3546. Repealed.]
3547. Duties: chaplains; assistance required of commanding officers.
3548. Duties: warrant officers; limitations.

AMENDMENTS

1994—Pub. L. 103–337, div. A, title XVI, § 1672(b)(5), Oct. 5, 1994, 108 Stat. 3015, struck out items 3541 ''National Guard Bureau: assignment of officers of regular or reserve components'' and 3542 ''Chief and assistant chief of staff of divisions of Army National Guard in Federal service: detail''.

1980—Pub. L. 96–513, title V, §§ 502(13), 512(5)(C), Dec. 12, 1980, 94 Stat. 2910, 2929, struck out items 3531 ''Chief of Staff to President: appointment'', 3532 ''Assistant to Comptroller of Department of Defense: detail, grade'', and 3535 ''Assistant to Chief of Engineers'', and in item 3534 substituted ''Mayor'' for ''Commissioner''.

1968—Pub. L. 90–623, § 2(6), Oct. 22, 1968, 82 Stat. 1314, substituted ''Corps of Engineers: detail of officers to assist Commissioner of District of Columbia'' for ''Engineer Commissioner of the District of Columbia; assistants; detail'' in item 3534.

Pub. L. 90–235, § 4(a)(3), (10), (b)(2), Jan. 2, 1968, 81 Stat. 759, 760, struck out item 3538 ''Geological Survey: detail of officers of Ordinance Corps'', item 3539 ''American National Red Cross: detail of officers of Army Medical Service'', item 3544 ''Duties: regular officers; performance of civil functions restricted'', and item 3545 ''Duties: officers; superintendence of cooking for enlisted members''.

1964—Pub. L. 88–647, title III, § 301(8), Oct. 13, 1964, 78 Stat. 1071, struck out item 3540 ''Educational institutions: detail of members of regular or reserve components as professors and instructors in military science and tactics''.

1958—Pub. L. 85–861, § 1(84), Sept. 2, 1958, 72 Stat. 1481, struck out item 3546 ''Duties: officers of Medical Corps, contract surgeons; attendance on families of members''.

[§§ 3531, 3532. Repealed. Pub. L. 96–513, title II, §§ 233(a), 234, Dec. 12, 1980, 94 Stat. 2887]

Section 3531, act Aug. 10, 1956, ch. 1041, 70A Stat. 201, authorized the President, by and with the consent of the Senate, to appoint a general officer of the Army as the Chief of Staff to the President, which officer, unless entitled to the rank, pay, and allowances of a grade above lieutenant general under another provision of law, is entitled to the rank, pay, and allowances of a general, and is in addition to the numbers otherwise authorized for that grade.

Section 3532, act Aug. 10, 1956, ch. 1041, 70A Stat. 201, provided that a colonel on the active list of the Regular Army who is detailed as special assistant to the Comptroller of the Department of Defense, has the grade of brigadier general while so serving, unless he is entitled to a higher grade.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3533. Corps of Engineers: assignment or transfer of officers to duties involving civil functions

Officers of the Corps of Engineers may be assigned or transferred to and from duties involving the civil functions of the Corps of Engineers only with the approval of the Secretary of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201; Pub. L. 89–718, § 26, Nov. 2, 1966, 80 Stat. 1119.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3533	10:506(c) (proviso).	Aug. 7, 1947, ch. 512, § 502(c) (proviso), 61 Stat. 883.

The words ''and reassignments'' are omitted as surplusage.

AMENDMENTS

1966—Pub. L. 89–718 struck out provisions requiring the recommendation of the Chief of Engineers in order to transfer officers of the Corps of Engineers to or from the civil functions of the Corps of Engineers.

§ 3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia

The President may detail not more than three officers assigned to the Corps of Engineers to assist the Mayor of the District of Columbia in discharging his duties.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201; Pub. L. 90–623, § 2(5), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96–513, title V, § 512(5)(A), (B), Dec. 12, 1980, 94 Stat. 2929.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3534(a)	10:189 (less 1st sentence).	June 11, 1878, ch. 180, § 2 (48th through 56th words of 1st sentence, and 2d sentence), 20 Stat. 103.
3534(b)	10:190.	June 11, 1878, ch. 180, § 5 (last sentence); restated Aug. 7, 1894, ch. 232 (proviso under ''For Engineer's Office''), 28 Stat. 246. Mar. 3, 1881, ch. 134 (words after last semicolon of 1st par. under ''General Expenses''), 21 Stat. 460. Dec. 24, 1890, J. Res. 7 (last sentence), 26 Stat. 1113.

In subsection (a), the words ''whose grade is above first lieutenant'' are substituted for the words ''from among the captains or officers of higher grade''. The words ''in the discretion of'' and ''from time to time, from the Corps of Engineers, by the President, for this duty'' are omitted as surplusage. 10:189 (last sentence) is omitted as obsolete.

In subsections (a) and (b), the words ''assigned to'' are substituted for the word ''of'', since, under section 3063 of this title, officers are assigned to, rather than commissioned in, the Corps of Engineers.

In subsection (b), the words ''assist that officer'' are substituted for the words ''act as assistants to said engineer commissioner''. The words ''his duties'' are substituted for the words ''the special duties imposed upon him''.

AMENDMENTS

1980—Pub. L. 96–513 substituted ''Mayor'' for ''Commissioner'' in section catchline and text.

1968—Pub. L. 90–623 substituted ''Corps of Engineers: detail of officers to assist Commissioner of District of Columbia'' for ''Engineer Commissioner of the District of Columbia; assistants: detail'' as section catchline and struck out provisions for the appointment of an Engineer Commissioner of the District of Columbia.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90–623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

[§ 3535. Repealed. Pub. L. 96–513, title II, § 235, Dec. 12, 1980, 94 Stat. 2887]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 201, provided that an officer assigned as Assistant to the Chief of Engineers in charge of civil works, including river and harbor and flood control improvements, be entitled to the rank, pay, and allowances of a brigadier general while so serving.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3536. Leader of Army Band: appointment

(a) The Secretary of the Army may appoint the leader of the Army band from the warrant officers of the Regular Army. The leader serves during the pleasure of the Secretary and may be returned to his former status in the discretion of the Secretary.

[(b) Repealed. Pub. L. 87–649, § 14c(5), Sept. 7, 1962, 76 Stat. 501.]

(c) Upon retirement, the leader of the Army band has the grade of warrant officer, with the retired pay to which he would have been entitled had he not been appointed leader.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201; Pub. L. 87–649, § 14c(5), Sept. 7, 1962, 76 Stat. 501.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3536(a)	10:11 (1st sentence, less last 85 words; and 2d sentence).	Mar. 3, 1925, ch. 412, 43 Stat. 1100.
3536(b)	10:11 (last 85 words of 1st sentence).	
3536(c)	10:11 (less 1st and 2d sentences).	

In subsection (a), the word ''may'' is substituted for the words ''is authorized''. The first nine words of the second sentence are substituted for 10:11 (1st 15 words of 2d sentence).

In subsection (b), the word ''basic'' is substituted for the word ''base'' to conform to the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words ''pay and allowances of a captain, and is entitled to be credited for pay purposes with all service which may be credited under section 233 of title 37'' are substituted for 10:11 (last 64 words of 1st sentence). The words ''in lieu of any and all pay and allowances as a warrant officer'' are omitted as surplusage.

In subsection (c), 10:11 (1st proviso of last sentence) is omitted as executed. 10:11 (last proviso of last sentence) and the words ''and received the pay and allowances of'' are omitted as surplusage.

AMENDMENTS

1962—Subsec. (b). Pub. L. 87–649 repealed subsec. (b) which related to the basic pay and allowances of the leader of the Army band, and is now covered by sections 207 and 424 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–649 effective on Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective

Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

[§§ 3538, 3539. Repealed. Pub. L. 90–235, § 4(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 759, 760]

Section 3538, act Aug. 10, 1956, ch. 1041, 70A Stat. 202, provided for detail of officers of Ordinance Corps of the Army to serve with the Geological Survey.

Section 3539, act Aug. 10, 1956, ch. 1041, 70A Stat. 202, provided for detail of officers of Army Medical Service for duty with the Service to Armed Forces Division of American National Red Cross and for detail of an officer of Medical Corps of the Army to be in charge of first-aid department of American National Red Cross. See section 711a of this title.

[§ 3540. Repealed. Pub. L. 88–647, title III, § 301(7), Oct. 13, 1964, 78 Stat. 1071]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 202, related to detail of members of regular or reserve components as professors and instructors in military science and tactics to educational institutions, and is covered by section 2111 of this title.

[§§ 3541, 3542. Repealed. Pub. L. 103–337, div. A, title XVI, §§ 1661(c)(2), 1662(g)(2), Oct. 5, 1994, 108 Stat. 2982, 2996]

Section 3541, act Aug. 10, 1956, ch. 1041, 70A Stat. 202, authorized President to assign regular and reserve Army officers to National Guard Bureau. See section 10507 of this title.

Section 3542, act Aug. 10, 1956, ch. 1041, 70A Stat. 202, authorized President to detail certain officers as chief and assistant chief of staff of divisions of Army National Guard in Federal service. See section 12502(a) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

§ 3543. Aides: detail; number authorized

(a) Each major general of the Army is entitled to three aides selected by him from commissioned officers of the Army in any grade below major.

(b) Each brigadier general of the Army is entitled to two aides selected by him from commissioned officers of the Army in any grade below captain.

(Aug. 10, 1956, ch. 1041, 70A Stat. 202.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3543(a)	10:498 (1st 20 words).	R.S. 1098.
3543(b)	10:498 (less 1st 20 words).	

In subsection (a), the words ''commissioned officers in any grade below major'' are substituted for the words ''captains or lieutenants''.

In subsections (a) and (b), the words ''is entitled to'' are substituted for the words ''shall have''.

In subsection (b), the words ''commissioned officers in any grade below captain'' are substituted for the word ''lieutenants''.

[§§ 3544, 3545. Repealed. Pub. L. 90–235, § 4(a)(6), (b)(1), Jan. 2, 1968, 81 Stat. 759, 760]

Section 3544, act Aug. 10, 1956, ch. 1041, 70A Stat. 203, restricted performance of civil functions by commissioned officers of Regular Army. See section 973 of this title.

Section 3545, act Aug. 10, 1956, ch. 1041, 70A Stat. 203, provided that cooking for enlisted members of Army should be superintended by officers of organizations to which members belonged.

[§ 3546. Repealed. Pub. L. 85–861, § 36B(7), Sept. 2, 1958, 72 Stat. 1570]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 203, required officers of the Medical Corps and contract surgeons to attend families of members of the Army.

§ 3547. Duties: chaplains; assistance required of commanding officers

(a) Each chaplain shall, when practicable, hold appropriate religious services at least once on each Sunday for the command to which he is assigned, and shall perform appropriate religious burial services for members of the Army who die while in that command.

(b) Each commanding officer shall furnish facilities, including necessary transportation, to any chaplain assigned to his command, to assist the chaplain in performing his duties.

(Aug. 10, 1956, ch. 1041, 70A Stat. 203.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3547(a)	10:238.	R.S. 1125.
3547(b)	10:239.	R.S. 1127.
	[Uncodified: Feb. 2, 1901, ch. 192, § 12 (last sentence), 31 Stat. 750].	Feb. 2, 1901, ch. 192, § 12 (last sentence), 31 Stat. 750.

In subsection (a), the words ''members of the Army'' are substituted for the words ''officers and soldiers''.

In subsection (b), the words ''regiments, hospitals, and posts'', in 10:239, are omitted, since at the time of the enactment of section 1127 of the Revised Statutes, chaplains were authorized only for regiments, hospitals, and posts. The revised section preserves the broad coverage of the original statute. The words ''Each commanding officer shall'' are substituted for the words ''It shall be the duty of commanders'', in 10:239. The word ''furnish'' is substituted for the words ''to afford'', in 10:239. The words ''including necessary transportation'' are substituted for the last sentence of section 12 of the Act of February 2, 1901, ch. 192, 31 Stat. 750. The words ''his command'' are substituted for the words ''the same'', in 10:239. The words ''to assist'' are substituted for the words ''as may aid them'', in 10:239.

§ 3548. Duties: warrant officers; limitations

Under regulations prescribed by the President, a warrant officer may be assigned to perform duties that necessarily include those normally performed by a commissioned officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 203.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3548	10:593 (1st sentence).	Aug. 21, 1941, ch. 384, § 4 (1st sentence), 55 Stat. 653.

10:593 (1st sentence, less provisos) is omitted as superseded by section 3012(e) of this title. 10:593 (last proviso) is omitted as covered by section 936(a)(4) of this title (article 136(a)(4) of the Uniform Code of Military Justice). The words ''may be assigned'' are substituted for the words ''shall be vested with power to''.

CHAPTER 345—RANK AND COMMAND

Sec.
[3571. Repealed.]

Sec.
3572. Rank: commissioned officers serving under temporary appointments.
[3573, 3574. Repealed.]
3575. Rank: warrant officers.
[3576, 3578. Repealed.]
3579. Command: commissioned officers of Army Medical Department.
[3580. Repealed.]
3581. Command: chaplains.
[3582. Repealed.]
3583. Requirement of exemplary conduct.

AMENDMENTS

1997—Pub. L. 105–85, div. A, title V, § 507(a)(2), Nov. 18, 1997, 111 Stat. 1727, added item 3583.

1980—Pub. L. 96–513, title V, § 502(14), Dec. 12, 1980, 94 Stat. 2910, struck out items 3571 ''Rank: commissioned officers on active duty'', 3573 ''Rank: commissioned officers in regular grades of brigadier general and major general; seniority list'', 3574 ''Rank; commissioned officers in regular grades below brigadier general'', and 3582 ''Command: retired officers''.

1978—Pub. L. 95–485, title VIII, § 820(f), Oct. 20, 1978, 92 Stat. 1627, struck out item 3580 ''Command: commissioned officers of Women's Army Corps''.

1968—Pub. L. 90–329, June 4, 1968, 82 Stat. 170, substituted ''Army Medical Department'' for ''Army Medical Service'' in item 3579.

Pub. L. 90–235, § 5(a)(3), Jan. 2, 1968, 81 Stat. 761, struck out item 3576 ''Command: when different commands of Army and Marine Corps join'', and item 3578 ''Command: commissioned officers of Army in same grade on duty at same place''.

[§ 3571. Repealed. Pub. L. 96–513, title II, § 211, Dec. 12, 1980, 94 Stat. 2885]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 204; Sept. 2, 1958, Pub. L. 85–861, § 1(85), 72 Stat. 1481; June 30, 1960, Pub. L. 86–559, § 1(21), 74 Stat. 271, provided that commissioned officers of the Army on active duty in the same grade rank among themselves according to date of rank and specified procedures for determining date of rank. See section 741 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3572. Rank: commissioned officers serving under temporary appointments

The President may, in accordance with the needs of the Army, adjust dates of rank of commissioned officers of the Army serving in temporary grades.

(Aug. 10, 1956, ch. 1041, 70A Stat. 204.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3572	10:506d(c) (last sentence).	Aug. 7, 1947, ch. 512, § 515(c) (last sentence), 61 Stat. 907.

The word ''commissioned'' is inserted for clarity, since the source statute related only to commissioned officers. The words ''in his discretion, from time to time'' are omitted as surplusage.

[§§ 3573, 3574. Repealed. Pub. L. 96–513, title II, § 211, Dec. 12, 1980, 94 Stat. 2885]

Section 3573, act Aug. 10, 1956, ch. 1041, 70A Stat. 204, specified the date of rank of an officer whose regular grade is brigadier general and the date of rank of an officer whose regular grade is major general and provided that the names of general officers of the Regular Army be carried on a seniority list in the order of seniority in both regular grade and date of rank. See section 741 of this title.

Section 3574, acts Aug. 10, 1956, ch. 1041, 70A Stat. 205; Sept. 2, 1958, Pub. L. 85–861, §§ 1(86), 33(a)(24), 72 Stat. 1481, 1565, provided for determination of rank of commissioned officers of the same grade in the Regular Army who are on the same promotion list, rank of commissioned officers of the same grade in the Regular Army who are not on the same promotion list or not on a promotion list, and rank among graduates of each class at the United States Military, Naval, or Air Force Academies who, upon graduation, are appointed to the Regular Army. See section 741 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3575. Rank: warrant officers

Warrant officers rank next below second lieutenants and rank among themselves within each warrant officer grade under regulations to be prescribed by the Secretary of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 205.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3575	10:593 (less 1st sentence).	Aug. 21, 1941, ch. 384, § 4 (less 1st sentence), 55 Stat. 653; May 29, 1954, ch. 249, § 19(e), 68 Stat. 167.

10:593 (2d sentence) is omitted as executed. The words ''within each warrant officer grade'' are inserted for clarity, since section 745 of this title covers rank between warrant officers in different warrant officer grades.

[§ 3576. Repealed. Pub. L. 90–235, § 5(a)(2), Jan. 2, 1968, 81 Stat. 761]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 205, provided for command when different commands of the Army and Marine Corps joined or served together. See section 747 of this title.

[§ 3578. Repealed. Pub. L. 90–235, § 5(a)(2), Jan. 2, 1968, 81 Stat. 761]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 205, provided for command when two or more commissioned officers of the Army in the same grade were on duty at the same place. See section 749 of this title.

§ 3579. Command: commissioned officers of Army Medical Department

(a) Except as provided in subsection (b), a commissioned officer of the Army Medical Department is not entitled to exercise command because of his rank, except within the Army Medical Department.

(b) An officer of the Medical Service Corps may exercise command of troops that are not part of the Army Medical Department whenever authorized by the Secretary of the Army. The Secretary of the Army may delegate such authority to appropriate commanders as the interest of the Army may require.

(Aug. 10, 1956, ch. 1041, 70A Stat. 206; Pub. L. 85–861, § 1(60), (87), Sept. 2, 1958, 72 Stat. 1462,

1482; Pub. L. 87–142, Aug. 17, 1961, 75 Stat. 364; Pub. L. 90–329, June 4, 1968, 82 Stat. 170; Pub. L. 96–513, title II, § 212(a), Dec. 12, 1980, 94 Stat. 2885; Pub. L. 98–525, title XIV, § 1405(46), Oct. 19, 1984, 98 Stat. 2625.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3579(a)	10:82.	R.S. 1169.
3579(b)	10:166e (less 1st sentence).	Apr. 16, 1947, ch. 38, § 106 (less 1st sentence), 61 Stat. 44.

In subsection (a), the word ''commissioned'' is inserted for clarity. The words ''Except as provided in section 94 of this title'', not contained in section 1169 of the Revised Statutes, but contained in 10:94, are omitted as surplusage, since 10:94 deals exclusively with assignments. The words ''except within the Army Medical Service'' are substituted for the words ''in the line or in other staff corps''. Officers of the Army Nurse Corps and Women's Medical Specialist Corps are not covered by subsection (a), since their command authority is specifically stated in subsection (b).

In subsection (b), 10:166e (last 22 words of 1st sentence) is omitted as superseded by sections 3012(e) and 3065 of this title. The words ''may exercise command only'' are substituted for the words ''shall not be entitled to command except''. The words ''by virtue of their rank'' and ''by competent authority'' are omitted as surplusage.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3579(a)	10 App.:376(b).	Aug. 9, 1955, ch. 654, § 2, 69 Stat. 579.

The amendment of subsec. (b) also reflects the authority contained in section 3357 of this title to appoint males as reserve officers of the Corps concerned.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–525 substituted ''subsection (b)'' for ''subsection (c)''.

1980—Subsec. (a). Pub. L. 96–513, § 212(a)(1), struck out '', other than an officer of the Army Nurse Corps or Army Medical Specialist Corps,'' after ''officer of the Army Medical Department''.

Subsecs. (b), (c). Pub. L. 96–513, § 212(a)(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which provided that an officer of the Army Nurse Corps or the Army Medical Specialist Corps exercise command only within his branch, or over persons placed under his charge.

1968—Pub. L. 90–329 substituted ''Army Medical Department'' for ''Army Medical Service'' in section catchline and in subsecs. (a) and (c).

1961—Subsec. (a). Pub. L. 87–142, § 1(1), substituted ''Except as provided in subsection (c), a'' for ''A''.

Subsec. (c). Pub. L. 87–142, § 1(2), added subsec. (c).

1958—Subsec. (a). Pub. L. 85–861, § 1(60), substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps''.

Subsec. (b). Pub. L. 85–861, § 1(60), (87), substituted ''Army Medical Specialist Corps'' for ''Women's Medical Specialist Corps'' and ''his'' for ''her own'' and ''her''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96–513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

[§ 3580. Repealed. Pub. L. 95–485, title VIII, § 820(f), Oct. 20, 1978, 92 Stat. 1627]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 206, provided that the Secretary of the Army prescribe the military authority that commissioned officers of the Women's Army Corps may exercise.

§ 3581. Command: chaplains

A chaplain has rank without command.

(Aug. 10, 1956, ch. 1041, 70A Stat. 206.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3581	10:235.	R.S. 1122.

The words ''and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions'' are omitted as obsolete, since there is no distinction between the status of a chaplain as an officer and the status of other officers of the Army.

[§ 3582. Repealed. Pub. L. 96–513, title II, § 211, Dec. 12, 1980, 94 Stat. 2885]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 206, provided that a retired officer has no right to command except when on active duty. See section 750 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3583. Requirement of exemplary conduct

All commanding officers and others in authority in the Army are required—

(1) to show in themselves a good example of virtue, honor, patriotism, and subordination;

(2) to be vigilant in inspecting the conduct of all persons who are placed under their command;

(3) to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and

(4) to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

(Added Pub. L. 105–85, div. A, title V, § 507(a)(1), Nov. 18, 1997, 111 Stat. 1726.)

[CHAPTER 347—REPEALED]

[§§ 3611, 3612. Repealed. Pub. L. 90–235, § 8(2), Jan. 2, 1968, 81 Stat. 764]

Section 3611, act Aug. 10, 1956, ch. 1041, 70A Stat. 206, provided that President could prescribe the uniform of the Army.

Section 3612, act Aug. 10, 1956, ch. 1041, 70A Stat. 206, provided for disposition of uniforms of enlisted members of Army who were discharged and for disposition of uniforms of and issuance of civilian clothing to enlisted members of Army who were discharged otherwise than honorably.

CHAPTER 349—MISCELLANEOUS PROHIBITIONS AND PENALTIES

Sec.

[3631 to 3638. Repealed.]

Sec.
3639. Enlisted members: officers not to use as servants.

AMENDMENTS

2008—Pub. L. 110–181, div. A, title V, § 590(b)(2)(A), Jan. 28, 2008, 122 Stat. 138, struck out item 3634 ''Army band: may not be paid for performance outside Army post''.

1980—Pub. L. 96–513, title V, § 512(6), Dec. 12, 1980, 94 Stat. 2929, struck out item 3632 ''Members of Army: forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs'', item 3633 ''Commissioned officers: forfeiture of pay when dropped from rolls'', and item 3636 ''Enlisted members: pay and allowances not to accrue during suspended sentence of dishonorable discharge''.

1968—Pub. L. 90–235, §§ 6(a)(8), 7(b)(2), Jan. 2, 1968, 81 Stat. 762, 763, struck out item 3631 ''Dealing in quartermaster supplies prohibited'', item 3635 ''Enlisted members: restriction on civilian employment'', and item 3637 ''Enlisted members: forfeiture of right to pension by deserters''.

1958—Pub. L. 85–861, § 1(88), Sept. 2, 1958, 72 Stat. 1482, struck out item 3638.

[§ 3631. Repealed. Pub. L. 90–235, § 7(b)(1), Jan. 2, 1968, 81 Stat. 763]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 207, prohibited officers of the Quartermaster Corps of the Army and officers performing duties of officers of that branch from dealing in quartermaster supplies.

[§§ 3632, 3633. Repealed. Pub. L. 87–649, § 14c(6), (7), Sept. 7, 1962, 76 Stat. 501]

Sections, act Aug. 10, 1956, ch. 1041, 70A Stat. 207, provided for forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs, and for forfeiture when dropped from rolls, and are now covered by sections 802 and 803 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 3634. Repealed. Pub. L. 110–181, div. A, title V, § 590(b)(1), Jan. 28, 2008, 122 Stat. 138]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 207; Pub. L. 101–510, div. A, title III, § 327(a), Nov. 5, 1990, 104 Stat. 1531, generally prohibited Army band from being paid for performance outside Army post. See section 974 of this title.

[§ 3635. Repealed. Pub. L. 90–235, § 6(a)(7), Jan. 2, 1968, 81 Stat. 762]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 207, set forth restrictions on civilian employment for enlisted members of Army on active duty.

[§ 3636. Repealed. Pub. L. 87–649, § 14c(8), Sept. 7, 1962, 76 Stat. 501]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 208, provided that pay and allowances do not accrue to an enlisted member of Army who is in confinement under sentence of dishonorable discharge, while execution of sentence to discharge is suspended. See section 858b of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 3637. Repealed. Pub. L. 90–235, § 7(b)(1), Jan. 2, 1968, 81 Stat. 763]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 208, provided that an enlisted member of the Army who deserted forfeited all right to a pension.

[§ 3638. Repealed. Pub. L. 85–861, § 36B(8), Sept. 2, 1958, 72 Stat. 1570]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 208, required enlisted members to make up time lost. See section 972(a) of this title.

§ 3639. Enlisted members: officers not to use as servants

No officer of the Army may use an enlisted member of the Army as a servant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 208.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3639	10:608.	R.S. 1232.

The words ''in any case whatever'' are omitted as surplusage.

[CHAPTER 351—REPEALED]

[§§ 3661 to 3663. Repealed. Pub. L. 90–377, § 6(1), July 5, 1968, 82 Stat. 288]

Section 3661, act Aug. 10, 1956, ch. 1041, 70A Stat. 208, provided for organization and administration of United States Disciplinary Barracks.

Section 3662, act Aug. 10, 1956, ch. 1041, 70A Stat. 209, provided for military training, organization, and equipping of prisoners who have been sent to United States Disciplinary Barracks.

Section 3663, act Aug. 10, 1956, ch. 1041, 70A Stat. 209, authorized Secretary of the Army to parole or remit sentence and restore to duty offenders who are confined in United States Disciplinary Barracks.

CHAPTER 353—MISCELLANEOUS RIGHTS AND BENEFITS

Sec.
3681. Presentation of United States flag upon retirement.
[3682, 3683. Repealed.]
3684. Service credit: regular enlisted members; service as an officer to be counted as enlisted service.
[3685 to 3690. Repealed.]
3691. Flying officer rating: qualifications.
[3692, 3693. Repealed.]

AMENDMENTS

1998—Pub. L. 105–261, div. A, title VI, § 644(a)(2), Oct. 17, 1998, 112 Stat. 2048, added item 3681.

1994—Pub. L. 103–337, div. A, title XVI, § 1672(b)(6), Oct. 5, 1994, 108 Stat. 3015, struck out item 3686 ''Members of Army National Guard of United States: credit for service as members of Army National Guard''.

1986—Pub. L. 99–661, div. A, title VI, § 604(f)(1)(B)(i), Nov. 14, 1986, 100 Stat. 3877, struck out item 3687 ''Compensation: members of Army other than of Regular Army; when same as that provided for members of Regular Army''.

1985—Pub. L. 99–145, title XIII, § 1301(b)(1)(B), Nov. 8, 1985, 99 Stat. 735, struck out item 3683 ''Service credit: certain service as a nurse, woman medical specialist, or civilian employee of Army Medical Department to be counted''.

1980—Pub. L. 96–513, title V, § 512(7), Dec. 12, 1980, 94 Stat. 2929, struck out item 3689 ''Assignments and allotments of pay''.

1971—Pub. L. 92–168, § 1(2), Nov. 24, 1971, 85 Stat. 489, struck out item 3692 ''Pilot rating in time of peace: qualifications''.

1968—Pub. L. 90–235, §§ 6(a)(3), 7(a)(4), (b)(3), Jan. 2, 1968, 81 Stat. 762, 763, struck out item 3682 ''Service credit: officers; service as cadet not counted'', item 3685 ''Regular Army; Army Reserve: female members; definition of 'dependents' '', item 3690 ''Exemption from arrest for debt: enlisted members'', and item 3693 ''Replacement of certificate of discharge''.

1958—Pub. L. 85–861, § 1(91), Sept. 2, 1958, 72 Stat. 1482, struck out items 3681 ''Army Register: regular officers; service to be listed'' and 3688 ''Death Gratuity''.

§ 3681. Presentation of United States flag upon retirement

(a) PRESENTATION OF FLAG.—Upon the release of a member of the Army from active duty for retirement, the Secretary of the Army shall present a United States flag to the member.

(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.

(Added Pub. L. 105–261, div. A, title VI, § 644(a)(1), Oct. 17, 1998, 112 Stat. 2048; amended Pub. L. 106–65, div. A, title VI, § 652(e), Oct. 5, 1999, 113 Stat. 666.)

PRIOR PROVISIONS

A prior section 3681, act Aug. 10, 1956, ch. 1041, 70A Stat. 210, related to service listed in the official Army Register, prior to repeal by Pub. L. 85–861, § 36B(9), Sept. 2, 1958, 72 Stat. 1570. See section 122 of this title.

AMENDMENTS

1999—Subsec. (b). Pub. L. 106–65 substituted ''under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.'' for ''under this section or section 6141 or 8681 of this title or section 516 of title 14.''

EFFECTIVE DATE

Pub. L. 105–261, div. A, title VI, § 644(e), Oct. 17, 1998, 112 Stat. 2049, provided that: ''Sections 3681, 6141, and 8681 of title 10, United States Code (as added by this section), and section 516 of title 14, United States Code (as added by subsection (d)), shall apply with respect to releases from active duty described in those sections on or after October 1, 1998.''

[§ 3682. Repealed. Pub. L. 90–235, § 6(a)(2), Jan. 2, 1968, 81 Stat. 761]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 210, provided that in computing length of service, no commissioned officer of the Army could be credited with service as a cadet at the Military Academy or as a midshipman at the Naval Academy, if he was appointed as a cadet or midshipman after Aug. 24, 1912. See section 971 of this title.

[§ 3683. Repealed. Pub. L. 99–145, title XIII, § 1301(b)(1)(A), Nov. 8, 1985, 99 Stat. 735]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 210; Aug. 25, 1959, Pub. L. 86–197, § 1(4), 73 Stat. 426, related to service credit for certain service as a nurse, woman medical specialist, or civilian employee of Army Medical Department.

PERSON PERFORMING ACTIVE SERVICE ON DAY BEFORE REPEAL OF SECTION

Section 1301(b)(1)(C) of Pub. L. 99–145 provided that: ''The repeal made by subparagraph (A) [repealing this section] shall not apply in the case of a person who performed active service described in section 3683 of title 10, United States Code, as such section was in effect on the day before the date of the enactment of this Act [Nov. 8, 1985].''

§ 3684. Service credit: regular enlisted members; service as an officer to be counted as enlisted service

An enlisted member of the Regular Army is entitled to count active service as an officer in the Army as enlisted service for all purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 211.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3684	10:631a (last proviso).	July 14, 1939, ch. 267, § 1 (last proviso); restated May 29, 1954, ch. 249, § 19(b) (last proviso), 68 Stat. 166.

[§ 3685. Repealed. Pub. L. 90–235, § 7(a)(3), Jan. 2, 1968, 81 Stat. 763]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 211; Sept. 2, 1958, Pub. L. 85–861, § 1(89), 72 Stat. 1482, set forth restrictions on the consideration of a husband or child as the dependent of a female member of the Regular Army, Army National Guard of the United States or Army Reserve.

[§ 3686. Repealed. Pub. L. 103–337, div. A, title XVI, § 1662(g)(2), Oct. 5, 1994, 108 Stat. 2996]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 211; Sept. 24, 1980, Pub. L. 96–357, § 5(a), 94 Stat. 1182; Oct. 19, 1984, Pub. L. 98–525, title IV, § 414(a)(7)(A), 98 Stat. 2519, related to credit to members of Army National Guard of United States for service as members of Army National Guard. See section 12602 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§ 3687. Repealed. Pub. L. 99–661, div. A, title VI, § 604(f)(1)(A), Nov. 14, 1986, 100 Stat. 3877]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 212; Sept. 2, 1958, Pub. L. 85–861, § 1(90), 72 Stat. 1482; Sept. 7, 1962, Pub. L. 87–649, § 6(d), 76 Stat. 494, related to compensation for members of Army other than of Regular Army.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as an Effective Date of 1986 Amendment note under section 1074a of this title.

[§ 3688. Repealed. Pub. L. 85–861, § 36B(10), Sept. 2, 1958, 72 Stat. 1570]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 212, related to payment of death gratuity to survivors of members of the Army. See section 1475 et seq. of this title.

[§ 3689. Repealed. Pub. L. 87–649, § 14c(9), Sept. 7, 1962, 76 Stat. 501]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 213; Sept. 26, 1961, Pub. L. 87–304, § 9(c), 75 Stat. 665, related to assignments and allotments of pay. See section 701 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 3690. Repealed. Pub. L. 90–235, § 7(b)(1), Jan. 2, 1968, 81 Stat. 763]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 213, exempted enlisted members of the Army, while on active duty, from arrest for any debt, unless it was contracted before enlistment and amounted to at least $20 when first contracted.

§ 3691. Flying officer rating: qualifications

Only officers of the Army in the following categories may be rated as flying officers:

(1) Officers who have aeronautical ratings as pilots of service types of aircraft or as aircraft observers.

(2) Flight surgeons.

(3) Officers undergoing flight training.

(4) Officers who are members of combat crews, other than pilots of service types of aircraft, aircraft observers, and observers.

(5) In time of war, officers who have aeronautical ratings as observers.

(Aug. 10, 1956, ch. 1041, 70A Stat. 213.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3691	10:291c. 10:291c-1. 10:291e.	June 3, 1916, ch. 134, § 13a (8th, 9th, and 11th provisos); added July 2, 1926, ch. 721, § 2 (4th sentence, less 2d proviso), 44 Stat. 781; June 16, 1936, ch. 587, § 3, 49 Stat. 1524; Oct. 4, 1940, ch. 742 (last proviso), 54 Stat. 963. June 24, 1948, ch. 632 (2d proviso under ''Finance Department''), 62 Stat. 650.

10:291c (proviso) and the words ''after June 30, 1948'', in 10:291c–1, are omitted as executed. The definition of the term ''flying officer'', in 10:291c, originally was a definition of the term ''flying officer in time of peace'' as provided by section 2 of the Act of July 2, 1926, ch. 721, 44 Stat. 781. Section 1 of the Act of October 4, 1940, ch. 742, 54 Stat. 963, eliminated the words ''in time of peace''. As a consequence of that amendment, 10:291e (1st 26 words) is omitted as surplusage. Clause (2) is substituted for 10:291c–1 (less last 10 words). The words ''commissioned officers or warrant'', in 10:291c–1, are omitted as surplusage. In clause (4), the last 12 words are substituted for the words ''any other''.

[§ 3692. Repealed. Pub. L. 92–168, § 1(1), Nov. 24, 1971, 85 Stat. 489]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 213, provided qualifications to receive a rating as a pilot in time of peace. See section 2003 of this title.

[§ 3693. Repealed. Pub. L. 90–235, § 7(a)(3), Jan. 2, 1968, 81 Stat. 763]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 214, provided for replacement of a lost or destroyed certificate of discharge from Army. See section 1040 of this title.

CHAPTER 355—HOSPITALIZATION

Sec.
[3721, 3722. Repealed.]
3723. When Secretary may require.

AMENDMENTS

1986—Pub. L. 99–661, div. A, title VI, § 604(f)(1)(B)(ii), Nov. 14, 1986, 100 Stat. 3877, struck out item 3721 ''Members of Army, other than of Regular Army'' and item 3722 ''Members of C.M.T.C.; members of Army not covered by section 3721 of this title.''

1958—Pub. L. 85–861, § 1(92)(D), Sept. 2, 1958, 72 Stat. 1482, substituted ''Members of C.M.T.C.'' for ''Members of R.O.T.C. and C.M.T.C.'' in item 3722.

[§§ 3721, 3722. Repealed. Pub. L. 99–661, div. A, title VI, § 604(f)(1)(A), Nov. 14, 1986, 100 Stat. 3877]

Section 3721, acts Aug. 10, 1956, ch. 1041, 70A Stat. 214; Sept. 2, 1958, Pub. L. 85–861, § 1(92)(A), 72 Stat. 1482, related to hospital benefits for members of Army, other than of Regular Army.

Section 3722, acts Aug. 10, 1956, ch. 1041, 70A Stat. 214; Sept. 2, 1958, Pub. L. 85–861, § 1(92)(B), (C), 72 Stat. 1482, related to hospital and related benefits for members of a Citizens' Military Training Camp and for members of Army not covered by section 3721 of this title.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as an Effective Date of 1986 Amendment note under section 1074a of this title.

§ 3723. When Secretary may require

The Secretary of the Army may order the hospitalization, medical and surgical treatment, and domiciliary care, for as long as necessary, of any member of the Army on active duty, and may incur obligations with respect thereto, whether or not the member incurred an injury, illness, or disease in line of duty, except in the case of a member treated in a private hospital, or by a civilian physician, while on leave of absence for more than 24 hours.

(Aug. 10, 1956, ch. 1041, 70A Stat. 215; Pub. L. 99–661, div. A, title VI, § 604(f)(1)(D), Nov. 14, 1986, 100 Stat. 3878; Pub. L. 100–180, div. A, title XII, § 1231(16), Dec. 4, 1987, 101 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3723	10:455e. 32:164d.	July 15, 1939, ch. 282; restated Oct. 14, 1940, ch. 875, § 5, 54 Stat. 1137.

The words ''under such regulations as he may prescribe'', in 10:455e and 32:164d, are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The reference to 10:455a–455d and 32:164a–164c, and the words ''nor any other law of the United States shall be construed as limiting the power and authority'', are omitted, since the revised section makes explicit the authority of the Secretary to require the prescribed hos-

pitalization and care. The words ''or in training, under the provisions of section 62—'' are omitted as covered by the words ''active duty''. The words ''in the active military service'' are omitted as surplusage. With the exception of 32:62 (4th proviso of last sentence), the references to 32:62–65, 144–146, 183, and 186, in 10:455e and 32:164d, do not refer to members of the Army National Guard of the United States and are therefore omitted from the revised section. 10:455e (1st proviso) and 32:164d (1st proviso) are omitted since they apply only to the National Guard and are covered by section 320 of title 32.

CODIFICATION

Pub. L. 100–26, § 7(j)(11), Apr. 21, 1987, 101 Stat. 283, which directed that section 4723 of this title, as amended by section 604(f)(1)(D) of Pub. L. 99–661, be amended by striking out the comma after ''disease'', could not be executed because no section 4723 of this title has been enacted. The probable intent of Congress was to amend section 3723 of this title. Pub. L. 100–180, § 1231(16), cited as a credit to section 3723 above, made an identical amendment to section 3723.

AMENDMENTS

1987—Pub. L. 100–180 struck out the comma after ''disease''.

1986—Pub. L. 99–661, substituted ''incurred an injury, illness, or disease'' for ''was injured, or contracted a disease''.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–661 applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as a note under section 1074a of this title.

CHAPTER 357—DECORATIONS AND AWARDS

Sec.
3741. Medal of honor: award.
3742. Distinguished-service cross: award.
3743. Distinguished-service medal: award.
3744. Medal of honor; distinguished-service cross; distinguished-service medal: limitations on award.
3745. Medal of honor; distinguished-service cross; distinguished-service medal: delegation of power to award.
3746. Silver star: award.
3747. Medal of honor; distinguished-service cross; distinguished-service medal; silver star: replacement.
3748. Medal of honor; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.
3749. Distinguished flying cross: award; limitations.
3750. Soldier's Medal: award; limitations.
3751. Service medals: issue; replacement; availability of appropriations.
3752. Medals: posthumous award and presentation.
3753. Civil War battle streamers.
3754. Medal of honor: duplicate medal.
3755. Medal of honor: presentation of Medal of Honor Flag.
3756. Korea Defense Service Medal.

AMENDMENTS

2004—Pub. L. 108–375, div. A, title X, § 1084(d)(28), Oct. 28, 2004, 118 Stat. 2063, renumbered item 3755 ''Korea Defense Service Medal'' as 3756.

2002—Pub. L. 107–314, div. A, title V, § 543(b)(2), Dec. 2, 2002, 116 Stat. 2549, added item 3755 ''Korea Defense Service Medal''.

Pub. L. 107–248, title VIII, § 8143(c)(1)(B), Oct. 23, 2002, 116 Stat. 1570, added item 3755 ''Medal of honor: presentation of Medal of Honor Flag''.

2001—Pub. L. 107–107, div. A, title V, § 553(a)(1)(B), Dec. 28, 2001, 115 Stat. 1116, added item 3754.

EXTENSION OF TIME FOR AWARD OF DECORATION

Pub. L. 93–469, Oct. 24, 1974, 88 Stat. 1422, authorized award, not later than Oct. 24, 1976, of a decoration or device in lieu of decoration which, prior to Oct. 24, 1974, has been authorized by Congress to be awarded to any person for an act, achievement, or service performed while on active duty in Armed Forces of United States, or while serving with such forces, for any such act or service performed in direct support of military operations in Southeast Asia between July 1, 1958, and Mar. 28, 1973, inclusive, if written recommendation for award of decoration, or device in lieu of decoration, was made not later than Oct. 24, 1975.

Act Aug. 2, 1956, ch. 877, 70 Stat. 933, authorized award, not later than Aug. 2, 1957, of a decoration or device in lieu of decoration which, prior to Aug. 2, 1956, has been authorized by Congress to be awarded to any person for an act or service performed while on active duty in military or naval forces of United States, or while serving with such forces, for any such act or service performed between June 27, 1950, and July 27, 1953, inclusive, if written recommendation for decoration or device in lieu of decoration has been submitted to appropriate office in a military department at seat of Government before Aug. 2, 1956.

§ 3741. Medal of honor: award

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who while a member of the Army, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 215; Pub. L. 88–77, § 1(1), July 25, 1963, 77 Stat. 93.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3741	10:1403.	July 9, 1918, ch. 143 (8th par. under ''Ordnance Department''), 40 Stat. 870.

The words ''That the provisions of existing law relating to the award of medals of honor to officers, noncommissioned officers, and privates of the Army be, and they hereby are, amended so that'', in the Act of July 9, 1918, ch. 143 (8th par. under ''Ordnance Department''), 40 Stat. 870, are not contained in 10:1403. They are also omitted from the revised section as surplusage. The word ''member'' is substituted for the words ''officer or enlisted man''. The word ''only'' is omitted as surplusage. The word ''award'' is inserted for clarity, since the President determines the recipient of the medal in addition to presenting it.

AMENDMENTS

1963—Pub. L. 88–77 enlarged authority to award medal of honor, which was limited to those cases in which persons distinguished themselves in action involving actual conflict with an enemy, to permit its award for distinguished service while engaged in an action

against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN AND HISPANIC AMERICAN WAR VETERANS

Pub. L. 107–107, div. A, title V, § 552, Dec. 28, 2001, 115 Stat. 1115, provided that:

''(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

''(b) COVERED JEWISH AMERICAN WAR VETERANS AND HISPANIC AMERICAN WAR VETERANS.—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

''(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act [Dec. 28, 2001].

''(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

''(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

''(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

''(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

''(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

''(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

''(2) any regulation or other administrative restriction on—

''(A) the time for awarding the Medal of Honor; or

''(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

''(g) DEFINITION.—For purposes of this section, the term 'Jewish American war veteran' means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.''

REVIEW REGARDING UPGRADING OF DISTINGUISHED-SERVICE CROSSES AND NAVY CROSSES AWARDED TO ASIAN-AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS FOR WORLD WAR II SERVICE

Pub. L. 104–106, div. A, title V, § 524, Feb. 10, 1996, 110 Stat. 312, provided that:

''(a) REVIEW REQUIRED.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the Medal of Honor.

''(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that person.

''(b) WAIVER OF TIME LIMITATIONS.—A Medal of Honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

''(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

''(2) any regulation or other administrative restriction on—

''(A) the time for awarding the Medal of Honor; or

''(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

''(c) DEFINITION.—For purposes of this section, the term 'Native American Pacific Islander' means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).''

§ 3742. Distinguished-service cross: award

The President may award a distinguished-service cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Army, distinguishes himself by extraordinary heroism not justifying the award of a medal of honor—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 215; Pub. L. 88–77, § 1(2), July 25, 1963, 77 Stat. 93.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3742	10:1406.	July 9, 1918, ch. 143 (9th par. under ''Ordnance Department''), 40 Stat. 870.

The words ''but not in the name of Congress'' are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The words ''since the 6th day of April, 1917'' are omitted as executed. The word ''award'' is substituted for the word ''present'' to cover the determination of the recipients as well as the actual presentation of the medal, and to conform to other sections of this chapter. The words ''or herself'' are omitted, since, under section 1 of title 1, words importing the masculine gender include the feminine. The words ''or who shall hereafter distinguish'' are omitted as surplusage.

AMENDMENTS

1963—Pub. L. 88–77 enlarged authority to award the distinguished-service cross, which was limited to those cases in which persons distinguished themselves in con-

nection with military operations against an armed enemy, to permit its award for extraordinary heroism not justifying award of a medal of honor, while engaged in an action against an enemy of United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which United States is not a belligerent party.

§ 3743. Distinguished-service medal: award

The President may award a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in place thereof, to a person who, while serving in any capacity with the Army, distinguishes himself by exceptionally meritorious service to the United States in a duty of great responsibility.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3743	10:1407.	July 9, 1918, ch. 143 (10th par., less words after 1st semicolon, under ''Ordnance Department''), 40 Stat. 870.

The words ''but not in the name of Congress'' are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The words ''since the 6th day of April, 1917'' are omitted as executed. The word ''award'' is substituted for the word ''present'' to cover the determination of the recipients as well as the actual presentation of the medal, and to conform to other sections of this chapter. The words ''or herself'' are omitted, since, under section 1 of title 1, words importing the masculine gender include the feminine. The words ''or who shall distinguish'' are omitted as surplusage.

§ 3744. Medal of honor; distinguished-service cross; distinguished-service medal: limitations on award

(a) No more than one medal of honor, distinguished-service cross, or distinguished-service medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal or cross, the President may award a suitable bar or other device to be worn as he directs.

(b) Except as provided in subsection (d), no medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, may be awarded to a person unless—

(1) the award is made within three years after the date of the act justifying the award;

(2) a statement setting forth the distinguished service and recommending official recognition of it was made within two years after the distinguished service; and

(3) it appears from records of the Department of the Army that the person is entitled to the award.

(c) No medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(d) If the Secretary of the Army determines that—

(1) a statement setting forth the distinguished service and recommending official recognition of it was made and supported by sufficient evidence within two years after the distinguished service; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted on;

a medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, as the case may be, may be awarded to the person concerned within two years after the date of that determination.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216; Pub. L. 86–582, § 1(1), July 5, 1960, 74 Stat. 320.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3744(a)	10:1411.	July 9, 1918, ch. 143 (12th par., less words after 2d semicolon, under ''Ordnance Department''); restated Jan. 24, 1920, ch. 55, § 1 (less last sentence), 41 Stat. 398.
3744(b)	10:1409 (words before 1st semicolon).	July 9, 1918, ch. 143 (less words between 1st and 2d semicolons of 15th par. under ''Ordnance Department''), 40 Stat. 871.
3744(c)	10:1409 (words after 2d semicolon).	

In subsection (a), the words ''may be awarded to a person'' are substituted for the words ''shall be issued to any one person'' to conform to the other subsections of the revised section.

In subsection (b), the word ''thereof'' is substituted for the words ''of either of said medal or of said cross''. The words ''Except as otherwise prescribed in this section'', ''at the time of'', ''specific'', ''official'', and ''has so distinguished himself as'' are omitted as surplusage.

In subsection (c), 10:1409 (words after 3d semicolon) is omitted as executed. The words ''hereinbefore authorized'' are omitted as surplusage.

AMENDMENTS

1960—Subsec. (b). Pub. L. 86–582, § 1(1)(A), substituted ''Except as provided in subsection (d), no'' for ''No.''

Subsec. (d). Pub. L. 86–582, § 1(1)(B), added subsec. (d).

§ 3745. Medal of honor; distinguished-service cross; distinguished-service medal: delegation of power to award

The President may delegate his authority to award the medal of honor, distinguished-service cross, and distinguished-service medal, to a commanding general of a separate army or higher unit in the field.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3745	10:1410.	July 9, 1918, ch. 143 (16th par., less words after semicolon, under ''Ordnance Department''), 40 Stat. 872.

The words ''under such conditions, regulations, and limitations as he shall prescribe'' are omitted as surplusage. The words ''his authority'' are substituted for the words ''the power conferred upon him by sections 1403, 1406–1408, 1409–1412, 1416, 1420, 1422, 1423, and 1424 of this title''.

§ 3746. Silver star: award

The President may award a silver star of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Army, is cited for gallantry in action that does not warrant a medal of honor or distinguished-service cross—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216; Pub. L. 88–77, § 1(3), July 25, 1963, 77 Stat. 93.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3746	10:1412.	July 9, 1918, ch. 143 (words after 2d semicolon of 12th par. under ''Ordnance Department''); restated Jan. 24, 1920, ch. 55, § 1 (last sentence); restated Dec. 15, 1942, ch. 736, 56 Stat. 1052.

The words ''may award'' are inserted to conform to other sections of this chapter. The words ''if the person earned'' are inserted for clarity. The words ''commanded by'' are omitted as surplusage.

AMENDMENTS

1963—Pub. L. 88–77 substituted provisions permitting the issuance of a silver star for gallantry while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party, and requiring it to be of appropriate design, for provisions which authorized the issuance of the silver star for gallantry in action and which required that the silver star be three-sixteenths of an inch in diameter, the citation thereof be published in orders issued from the headquarters of a force that is the appropriate command of a general officer, and that it be worn as directed by the President.

EXECUTIVE ORDER NO. 9419

Ex. Ord. No. 9419, Feb. 4, 1944, 9 F.R. 1495, which authorized award of Bronze Star Medal, was superseded by Ex. Ord. No. 11046, Aug. 24, 1962, 27 F.R. 8575, as amended, set out below.

EX. ORD. NO. 11046. BRONZE STAR MEDAL

Ex. Ord. No. 11046, Aug. 24, 1962, 27 F.R. 8575, as amended by Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247; Ex. Ord. No. 13286, § 70, Feb. 28, 2003, 68 F.R. 10630, provided:

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Bronze Star Medal, with accompanying ribbons and appurtenances, which was first established by Executive Order No. 9419 of February 4, 1944, may be awarded by the Secretary of a military department or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders, or other appropriate officers as the Secretary concerned may designate, to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, after December 6, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service not involving participation in aerial flight—

(a) while engaged in an action against an enemy of the United States;

(b) while engaged in military operations involving conflict with an opposing foreign force; or

(c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

2. The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such regulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

3. No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations.

4. The Bronze Star Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

5. This order shall supersede Executive Order No. 9419 of February 4, 1944, entitled ''Bronze Star Medal''. However, existing regulations prescribed under that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed under this order by the Secretary of the department concerned.

§ 3747. Medal of honor; distinguished-service cross; distinguished-service medal; silver star: replacement

Any medal of honor, distinguished-service cross, distinguished-service medal, or silver star, or any bar, ribbon, rosette, or other device issued for wear with or in place of any of them, that is stolen, lost, or destroyed, or becomes unfit for use, without fault or neglect of the person to whom it was awarded, shall be replaced without charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216; Pub. L. 107–107, div. A, title V, § 553(a)(2), Dec. 28, 2001, 115 Stat. 1116.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3747	10:1416.	July 9, 1918, ch. 143 (14th par. under ''Ordnance Department''), 40 Stat. 871.

The words ''issued for wear with or in place of any of them'' are inserted for clarity. The words ''presented under the provisions of this title'' and ''such medal, cross, bar, ribbon, rosette, or device'' are omitted as surplusage.

AMENDMENTS

2001—Pub. L. 107–107 substituted ''stolen, lost, or destroyed'' for ''lost or destroyed''.

§ 3748. Medal of honor; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations

The Secretary of the Army may spend, from any appropriation for contingent expenses of the

Department of the Army, amounts necessary to provide medals and devices under sections 3741, 3742, 3743, 3744, 3746, 3747, and 3752 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3748	10:1424.	July 9, 1918, ch. 143 (13th par. under ''Ordnance Department''), 40 Stat. 871.

The word ''amounts'' is substituted for the words ''so much as may be''. The word ''provide'' is substituted for the words ''defray the cost of''. The words ''medals and devices under'' are substituted for the words ''medals of honor, distinguished-service crosses, distinguished-service medals, bars, rosettes, and other devices provided for in''. The words ''from time to time'' are omitted as surplusage.

§ 3749. Distinguished flying cross: award; limitations

(a) The President may award a distinguished flying cross of appropriate design with accompanying ribbon to any person who, while serving in any capacity with the Army, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight.

(b) Not more than one distinguished flying cross may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a cross, the President may award a suitable bar or other device to be worn as he directs.

(c) No distinguished flying cross, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3749(a)	10:1429 (less 2d and last sentences).	July 2, 1926, ch. 721, § 12 (less 1st 49 words of last sentence), 44 Stat. 789; July 30, 1937, § 4, 50 Stat. 549.
3749(b)	10:1429 (2d sentence).	
3749(c)	10:1429 (last sentence, less 1st 49 words).	

Although 10:1429 refers to persons serving ''with the Air Corps of the Army'', and the functions of the Army Air Corps have been transferred to the Air Force under section 208(b) of the National Security Act of 1947 (5 U.S.C. 626c(b)), members of the Army continue to participate in aerial flights and are eligible for the award of the distinguished flying cross.

In subsection (a), the words ''Under such rules and regulations as he may prescribe'' are omitted, since the President has inherent authority to issue regulations appropriate to exercising his functions. The words ''but not in the name of Congress'' are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The word ''award'' is substituted for the word ''present'' to cover the determination of the recipients as well as the actual presentation of the medal. The words ''since the 6th day of April, 1917, has distinguished, or who, after July 2, 1926'' and 10:1429 (proviso of 1st sentence) are omitted as executed.

§ 3750. Soldier's Medal: award; limitations

(a)(1) The President may award a decoration called the ''Soldier's Medal'', of appropriate design with accompanying ribbon, to any person who, while serving in any capacity with the Army, distinguishes himself by heroism not involving actual conflict with an enemy.

(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.

(b) Not more than one Soldier's Medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal, the President may award a suitable bar or other device to be worn as he directs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217; Pub. L. 105–85, div. A, title V, § 574(a), Nov. 18, 1997, 111 Stat. 1758.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3750(a)	10:1428 (less last sentence).	July 2, 1926, ch. 721, § 11, 44 Stat. 789.
3750(b)	10:1428 (last sentence).	

In subsection (a), the words ''Under such rules and regulations as he may prescribe'' are omitted, since the President has inherent authority to issue regulations appropriate to exercising his functions. The words ''but not in the name of Congress'' are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The word ''award'' is substituted for the word ''present'' to cover the determination of the recipients as well as the actual presentation of the medal. The words ''a decoration called'' are substituted for the words ''a medal to be known as''. The words ''including the National Guard and the Organized Reserves'' are omitted as surplusage. The words ''or herself'' are omitted, since under section 1 of title 1, words importing the masculine gender include the feminine. The words ''after July 2, 1926'' are omitted as executed.

In subsection (b), the words ''that would otherwise justify'' are substituted for the words ''sufficient to''.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–85 designated existing provisions as par. (1) and added par. (2).

§ 3751. Service medals: issue; replacement; availability of appropriations

(a) The Secretary of the Army shall procure, and issue without charge to any person entitled thereto, any service medal authorized for members of the Army after May 12, 1928, and any ribbon, clasp, star, or similar device prescribed as a part of that medal.

(b) Under such regulations as the Secretary may prescribe, any medal or other device issued under subsection (a) that is lost, destroyed, or becomes unfit for use, without fault or neglect of the owner, may be replaced at cost. However, if the owner is a member of the Army or the Air Force, the medal or device may be replaced without charge.

(c) The Secretary may spend, from any appropriation for the support of the Army, amounts necessary to provide medals and devices under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3751(a)	10:1415a (less 21st through 30th words, and less clauses (a) through (n)).	May 12, 1928, ch. 528, §§1 (less 25th through 34th words, and less clauses (a) through (n)), 2 (less applicability to §1 clauses (a) through (n)), 3 (less applicability to §1 (clauses (a) through (n)), 45 Stat. 500.
3751(b)	10:1415b (less applicability to 10:1415a (clauses (a) through (n)).	
3751(c)	10:1415c (less applicability to 10:1415a (clauses (a) through (n)).	

In subsection (a), 10:1415a (proviso) is omitted as surplusage, since the revised section is not limited to persons who are members of the Army at the time of the issue.

In subsection (b), the words ''member of the Army or the Air Force'' are substituted for the words ''persons in the military service of the United States''.

In subsection (c), the last 16 words are substituted for 10:1415c (last 16 words).

ISSUANCE OF CERTAIN OTHER MEDALS AND DEVICES

Section 33 of act Aug. 10, 1956, provided that:

''(a) The Secretary of the Army shall procure, and issue without charge to any person entitled thereto, the following service medals, and any ribbon, clasp, star, or similar device prescribed as a part of that medal:

''(1) Civil War campaign medal;
''(2) Indian campaign medal;
''(3) Spanish campaign medal;
''(4) Spanish War service medal;
''(5) Cuban occupation medal;
''(6) Puerto Rico occupation medal;
''(7) Philippine campaign medal;
''(8) Philippine Congressional medal;
''(9) China campaign medal;
''(10) Cuban pacification medal;
''(11) Mexican service medal;
''(12) Mexican border service medal;
''(13) Victory medal and clasps; and
''(14) fourragere as an individual decoration.

''(b) Under regulations prescribed by the Secretary, any medal or other device issued under subsection (a) that is lost, destroyed, or becomes unfit for use, without fault or neglect of the owner, may be replaced at cost. However, if the owner is a member of the Army or the Air Force, the medal or device may be replaced without charge.

''(c) The Secretary may spend, from any appropriation for the support of the Army, amounts necessary to provide medals and devices under this section.

''(d) If a person dies before a medal or device is presented to him under subsection (a), it may be presented to his family.''

§ 3752. Medals: posthumous award and presentation

(a) If a person dies before the award of a medal of honor, distinguished-service cross, distinguished-service medal, distinguished flying cross, or device in place thereof, to which he is entitled, the award may be made and the medal or device presented to his representative, as designated by the President.

(b) If a person dies before an authorized service medal or device prescribed as a part thereof is presented to him under section 3751 of this title, it shall be presented to his family.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217; Pub. L. 85–861, § 33(a)(23), Sept. 2, 1958, 72 Stat. 1565.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3752(a)	10:1409 (words between 1st and 2d semicolons). 10:1429 (1st 49 words of last sentence).	July 9, 1918, ch. 143 (words between 1st and 2d semicolons of 15th par. under ''Ordnance Department''), 40 Stat. 871. July 2, 1926, ch. 721, § 12 (1st 49 words of last sentence), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549. May 12, 1928, ch. 528, § 1 (25th through 34th words, less applicability to clauses (a) through (n)), 45 Stat. 500.
3752(b)	10:1415a (21st through 30th words, less applicability to clauses (a) through (n)).	

In subsection (a), the words ''If a person'' are substituted for the words ''In case an individual dies'', in 10:1409, and ''In case an individual shall have died'', in 10:1429. The words ''within three years from the date'', in 10:1409, are omitted as covered by section 3744 of this title. The words ''who shall distinguish himself'', in 10:1409, and ''who distinguishes himself'', in 10:1429, are omitted as covered by the words ''the award to which he is entitled''.

1958 ACT

The change reflects the fact that the source statute for these sections (sec. 1 of the Act of May 12, 1928, ch. 528, 45 Stat. 500) was mandatory and not merely permissive.

AMENDMENTS

1958—Subsec. (b). Pub. L. 85–861 substituted ''it shall be presented'' for ''it may be presented''.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

§ 3753. Civil War battle streamers

If, under regulations prescribed by the Secretary of the Army, it is determined that a regiment or other unit of the Army is entitled to that honor, the regiment or unit may carry any appropriate Civil War battle streamer with its colors or standards.

(Aug. 10, 1956, ch. 1041, 70A Stat. 218.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3753	[Uncodified].	Mar. 9, 1948, ch. 104, 62 Stat. 71.

The words ''it is determined'' are substituted for the words ''upon verification in the War Department that it is entitled to such honors''.

§ 3754. Medal of honor: duplicate medal

A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only.

(Added Pub. L. 107–107, div. A, title V, § 553(a)(1)(A), Dec. 28, 2001, 115 Stat. 1115.)

§ 3755. Medal of honor: presentation of Medal of Honor Flag

The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title. In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.

(Added Pub. L. 107–248, title VIII, § 8143(c)(1)(A), Oct. 23, 2002, 116 Stat. 1570; amended Pub. L. 107–314, div. A, title X, § 1062(a)(16), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 109–364, div. A, title V, § 555(a), Oct. 17, 2006, 120 Stat. 2217.)

CODIFICATION

Another section 3755 was renumbered section 3756 of this title.

AMENDMENTS

2006—Pub. L. 109–364 struck out ''after October 23, 2002'' after ''section 3741 of this title'' and inserted at end ''In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.''

2002—Pub. L. 107–314 substituted ''October 23, 2002'' for ''the date of the enactment of this section''.

PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF MEDAL OF HONOR

Pub. L. 109–364, div. A, title V, § 555(b), Oct. 17, 2006, 120 Stat. 2217, provided that:

''(1) LIVING RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag as expeditiously as possible after the date of the enactment of this Act [Oct. 17, 2006] to each living recipient of the Medal of Honor who has not already received a Medal of Honor Flag.

''(2) SURVIVORS OF DECEASED RECIPIENTS.—In the case of presentation of the Medal of Honor Flag for a recipient of the Medal of Honor who was awarded the Medal of Honor before the date of the enactment of this Act [Oct. 17, 2006] and who is deceased as of such date (or who dies after such date and before the presentation required by paragraph (1)), the President shall provide for posthumous presentation of the Medal of Honor Flag, upon written application therefor, to the primary living next of kin, as determined under regulations or procedures prescribed by the Secretary of Defense for the purposes of this paragraph (and notwithstanding the amendments made by paragraph (2) of subsection (a) [amending this section]).

''(3) MEDAL OF HONOR FLAG.—In this subsection, the term 'Medal of Honor Flag' means the flag designated under section 903 of title 36, United States Code.''

§ 3756. Korea Defense Service Medal

(a) The Secretary of the Army shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Army served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

(b) In this section, the term ''KDSM eligibility period'' means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

(c) The Secretary of the Army shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.

(Added Pub. L. 107–314, div. A, title V, § 543(b)(1), Dec. 2, 2002, 116 Stat. 2549, § 3755; renumbered § 3756, Pub. L. 108–375, div. A, title X, § 1084(d)(28), Oct. 28, 2004, 118 Stat. 2063.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 107–314, which was approved Dec. 2, 2002.

AMENDMENTS

2004—Pub. L. 108–375 renumbered section 3755 of this title as this section.

FINDINGS

Pub. L. 107–314, div. A, title V, § 543(a), Dec. 2, 2002, 116 Stat. 2549, provided that: ''Congress makes the following findings:

''(1) More than 40,000 members of the United States Armed Forces have served in the Republic of Korea or the waters adjacent thereto each year since the signing of the cease-fire agreement in July 1953 ending the Korean War.

''(2) An estimated 1,200 members of the United States Armed Forces have died as a direct result of their service in Korea since the cease-fire agreement in July 1953.''

AWARD FOR SERVICE BEFORE DATE OF ENACTMENT

Pub. L. 107–314, div. A, title V, § 543(e), Dec. 2, 2002, 116 Stat. 2550, provided that: ''The Secretary of the military department concerned shall take appropriate steps to provide in a timely manner for the issuance of the Korea Defense Service Medal, upon application therefor, to persons whose eligibility for that medal is by reason of service in the Republic of Korea or the waters adjacent thereto before the date of the enactment of this Act [Dec. 2, 2002].''

[CHAPTER 359—REPEALED]

[§§ 3781 to 3787. Repealed. Pub. L. 96–513, title II, § 213, Dec. 12, 1980, 94 Stat. 2885]

Section 3781, acts Aug. 10, 1956, ch. 1041, 70A Stat. 218; July 12, 1960, Pub. L. 86–616, § 2(a), 74 Stat. 386, authorized Secretary of the Army to convene at any time a board of officers to review record of any commissioned officer on active list of Regular Army to determine whether he should be required, because of substandard performance of duty, to show cause for his retention on active list. See section 1181(a) of this title.

Section 3782, acts Aug. 10, 1956, ch. 1041, 70A Stat. 218; July 12, 1960, Pub. L. 86–616, § 2(a), 74 Stat. 387, provided for boards of inquiry, composed of three or more officers, to be convened at such places as Secretary of the Army prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 3781 of this title, should be retained on active list of Regular Army. See section 1182 of this title.

Section 3783, acts Aug. 10, 1956, ch. 1041, 70A Stat. 218; July 12, 1960, Pub. L. 86–616, § 2(a), 74 Stat. 387, provided for boards of review, composed of three or more officers, to be convened by Secretary of the Army, at such places as he prescribes, to review records of cases of officers recommended by boards of inquiry for removal from active list of Regular Army.

Section 3784, acts Aug. 10, 1956, ch. 1041, 70A Stat. 219; July 12, 1960, Pub. L. 86–616, § 2(a), 74 Stat. 387, author-

ized Secretary of the Army to remove an officer from active list of Regular Army if his removal is recommended by a board of review and provided that decision of Secretary in such a case is final and conclusive. See section 1184 of this title.

Section 3785, acts Aug. 10, 1956, ch. 1041, 70A Stat. 219; July 12, 1960, Pub. L. 86–616, § 2(a), 74 Stat. 387, provided that each officer under consideration for removal from active list of Regular Army under this chapter be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before a board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of proceeding. See section 1185 of this title.

Section 3786, acts Aug. 10, 1956, ch. 1041, 70A Stat. 219; July 12, 1960, Pub. L. 86–616, § 2(a), 74 Stat. 387, authorized Secretary of the Army, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Army, to grant that officer's request for voluntary retirement, if he is otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 3787, added Pub. L. 86–616, § 2(a), July 12, 1960, 74 Stat. 388, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by board and that no person be a member of more than one board convened under this chapter for same officer. See section 1187 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[CHAPTER 360—REPEALED]

[§§ 3791 to 3797. Repealed. Pub. L. 96–513, title II, § 213, Dec. 12, 1980, 94 Stat. 2885]

Section 3791, added Pub. L. 86–616, § 3(a), July 12, 1960, 74 Stat. 388, authorized Secretary of the Army to convene at any time a board of general officers to review record of any commissioned officer on active list of Regular Army to determine whether he should be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with interests of national security, to show cause for his retention on active list. See section 1181(b) of this title.

Section 3792, added Pub. L. 86–616, § 3(a), July 12, 1960, 74 Stat. 388, provided for boards of inquiry, composed of three or more general officers, to be convened at such places as Secretary of the Army prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 3791 of this title, should be retained on active list of Regular Army. See section 1182 of this title.

Section 3793, added Pub. L. 86–616, § 3(a), July 12, 1960, 74 Stat. 389, provided for boards of review, composed of three or more general officers, to be convened by Secretary of the Army, at such places as he prescribes, to review records of cases of officers recommended by boards of inquiry for removal from active list of Regular Army.

Section 3794, added Pub. L. 86–616, § 3(a), July 12, 1960, 74 Stat. 389, authorized Secretary of the Army to remove an officer from active list of Regular Army if his removal is recommended by a board of review and provided that decision of Secretary in such a case is final and conclusive. See section 1184 of this title.

Section 3795, added Pub. L. 86–616, § 3(a), July 12, 1960, 74 Stat. 389, provided that each officer under consideration for removal from active list of Regular Army under this chapter be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of proceedings, except records that Secretary determines be withheld in interests of national security, in which case, a summary, to extent national security permits, be furnished. See section 1185 of this title.

Section 3796, added Pub. L. 86–616, § 3(a), July 12, 1960, 74 Stat. 389, authorized Secretary of the Army, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Army, to grant that officer's request for voluntary retirement, if he is otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 3797, added Pub. L. 86–616, § 3(a), July 12, 1960, 74 Stat. 390, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board and that no person be a member of more than one board convened under this chapter for same officer. See section 1187 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[CHAPTER 361—REPEALED]

[§§ 3811 to 3813. Repealed. Pub. L. 90–235, § 3(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 757, 758]

Section 3811, act Aug. 10, 1956, ch. 1041, 70A Stat. 220, provided for discharge of enlisted members of Army and limitations thereon, and for issuance of discharge certificates. See section 1169 of this title.

Section 3812, act Aug. 1956, ch. 1041, 70A Stat. 220, provided for the discharge of members of the Army enlisted during war or emergency. See section 1172 of this title.

Section 3813, act Aug. 10, 1956, ch. 1041, 70A Stat. 220, provided for dependency discharges for enlisted members of the Army.

[§ 3814. Repealed. Pub. L. 96–513, title II, § 214, Dec. 12, 1980, 94 Stat. 2885]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 220, authorized Secretary of the Army to discharge a regular commissioned officer who has less than three years of continuous service as a commissioned officer therein, provided that such officer not be dismissed because of his marriage, unless marriage occurred within one year after date of his original appointment. See section 630 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3814a. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(2), Oct. 5, 1994, 108 Stat. 2963]

Section, added Pub. L. 93–558, § 1, Dec. 30, 1974, 88 Stat. 1793, related to discharge, during a reduction in force, of regular commissioned officers, second lieutenants, first lieutenants, and captains, and expired three years after its effective date, Dec. 30, 1974, in accordance with section 2 of Pub. L. 93–558.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§§ 3815, 3816. Repealed. Pub. L. 90–235, § 3(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 757, 758]

Section 3815, act Aug. 10, 1956, ch. 1041, 70A Stat. 220, provided for resignation of regular enlisted members of Army enlisted on a career basis and limitations thereon.

Section 3816, act Aug. 10, 1956, ch. 1041, 70A Stat. 221, provided for minority discharges for regular enlisted members of Army. See section 1170 of this title.

[§ 3818. Repealed. Pub. L. 96–513, title II, § 236, Dec. 12, 1980, 94 Stat. 2887]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 221; Oct. 20, 1978, Pub. L. 95–485, title VIII, § 820(g), 92 Stat. 1627, authorized Secretary of the Army to terminate appointment of a female commissioned officer of Regular Army, other than by dismissal, under regulations prescribed by President, or to terminate the appointment of a female warrant officer or enlistment of a female member of Regular Army by discharge from the Army.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§§ 3819, 3820. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(2), Oct. 5, 1994, 108 Stat. 2963]

Section 3819, added Pub. L. 85–861, § 1(93)(A), Sept. 2, 1958, 72 Stat. 1482; amended Pub. L. 98–525, title V, § 528(b), Oct. 19, 1984, 98 Stat. 2526, related to discharge of Army Reserve officers for failure of promotion to first lieutenant. See section 14503 of this title.

Section 3820, acts Aug. 10, 1956, ch. 1041, 70A Stat. 221; Sept. 2, 1958, Pub. L. 85–861, § 1(93)(B), 72 Stat. 1482, related to discharge and withdrawal of Federal recognition of officers of Army National Guard of United States absent without leave. See section 14907 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[CHAPTER 363—REPEALED]

[§§ 3841, 3842. Repealed. Pub. L. 86–559, § 1(22), June 30, 1960, 74 Stat. 271]

Section 3841, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1483, related to separation or transfer to retired reserve of reserve nurses and medical specialists at age 50 if in a reserve grade below major.

Section 3842, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1483, related to separation or transfer to Retired Reserve of Reserve nurses and medical specialists at age 55 if in a Reserve grade above captain.

[§§ 3843 to 3846. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(3), Oct. 5, 1994, 108 Stat. 2963]

Section 3843, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1483; amended Pub. L. 86–559, § 1(23), June 30, 1960, 74 Stat. 271; Pub. L. 99–145, title XIII, § 1303(a)(20)(A), Nov. 8, 1985, 99 Stat. 739, related to transfer or discharge of reserve commissioned officers below grade of major general. See sections 14509 and 14510 of this title.

Section 3844, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1484; amended Pub. L. 86–559, § 1(24), June 30, 1960, 74 Stat. 271, related to transfer or discharge of certain reserve major generals and brigadier generals who are 62 years old. See section 14511 of this title.

Section 3845, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1484; amended Pub. L. 100–456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of certain officers of Army National Guard of United States who are 64 years of age. See section 14512(a) of this title.

Section 3846, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1484, related to transfer or discharge of reserve first lieutenants, captains, and majors not recommended for promotion by two selection boards. See section 14501 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§ 3847. Repealed. Pub. L. 90–130, § 1(12)(A), Nov. 8, 1967, 81 Stat. 376]

Section, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1484; Pub. L. 86–559, § 1(25), June 30, 1960, 74 Stat. 272, provided for transfer to Retired Reserve or discharge from his reserve appointment, after July 1, 1960, of each officer in a reserve grade below lieutenant colonel with 25 years service assigned to Army Nurse Corps, Army Medical Specialist Corps, or Women's Army Corps who had not been recommended for promotion to reserve grade of lieutenant colonel or who has not remained on active duty since such a recommendation.

[§ 3848. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(3), Oct. 5, 1994, 108 Stat. 2963]

Section 3848, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1485; amended Pub. L. 86–559, § 1(26), June 30, 1960, 74 Stat. 272; Pub. L. 90–130, § 1(12)(B), Nov. 8, 1967, 81 Stat. 376; Pub. L. 90–486, § 9(1), Aug. 13, 1968, 82 Stat. 760; Pub. L. 95–485, title VIII, § 820(h), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 96–513, title V, § 512(8), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 99–145, title V, § 522(a)(1), title XIII, § 1303(a)(20)(B), Nov. 8, 1985, 99 Stat. 631, 739; Pub. L. 100–456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of reserve first lieutenants, captains, majors, and lieutenant colonels with 28 years of service. See section 14501 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[§ 3849. Repealed. Pub. L. 86–559, § 1(27), June 30, 1960, 74 Stat. 272]

Section, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1485, related to separation or transfer to retired reserve of officers in the reserve grade of lieutenant colonel assigned to the Women's Army Corps upon completion of 28 years of service.

[§§ 3850 to 3855. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(a)(3), Oct. 5, 1994, 108 Stat. 2963]

Section 3850, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1485; amended Pub. L. 104–106, div. A, title XV, § 1501(c)(25), Feb. 10, 1996, 110 Stat. 499, related to transfer or discharge of excessive reserve commissioned officers in active status with thirty or more years of service. See sections 14514 and 14704 of this title.

Section 3851, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1486; amended Pub. L. 86–559, § 1(28), June 30, 1960, 74 Stat. 272; Pub. L. 90–486, § 9(1), Aug. 13, 1968, 82 Stat. 760; Pub. L. 96–513, title V, § 512(8), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 98–525, title V, § 513, Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99–145, title V, § 522(a)(2), title XIII, § 1303(a)(20)(B), Nov. 8, 1985, 99 Stat. 631, 739; Pub. L. 99–661, div. A, title XIII, § 1342(g), Nov. 14, 1986, 100 Stat. 3992; Pub. L. 100–456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge

of reserve colonels and brigadier generals with 30 years of service or five years in grade. See section 14508(a), (e) of this title.

Section 3852, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1486; amended Pub. L. 86–559, § 1(29), June 30, 1960, 74 Stat. 272; Pub. L. 99–145, title V, § 523, title XIII, § 1303(a)(20)(B), Nov. 8, 1985, 99 Stat. 632, 739; Pub. L. 100–456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of reserve major generals with 35 years of service or five years in grade. See section 14508(b), (f) of this title.

Section 3853, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1486; amended Pub. L. 86–559, § 1(30), June 30, 1960, 74 Stat. 273; Pub. L. 86–651, title I, § 115, Sept. 7, 1962, 76 Stat. 513; Pub. L. 96–513, title V, § 512(9), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 98–94, title X, § 1016(a), Sept. 24, 1983, 97 Stat. 668; Pub. L. 103–337, div. A, title XVI, § 1635(a), Oct. 5, 1994, 108 Stat. 2968, related to computation of years of service. See section 14706 of this title.

Section 3854, added Pub. L. 85–861, § 1(94), Sept. 2, 1958, 72 Stat. 1486, authorized Secretary of the Army to prescribe regulations to carry out this chapter.

Section 3855, added Pub. L. 86–559, § 1(31), June 30, 1960, 74 Stat. 273; amended Pub. L. 96–107, title IV, § 403(a), Nov. 9, 1979, 93 Stat. 808; Pub. L. 96–513, title II, § 215(a), Dec. 12, 1980, 94 Stat. 2885; Pub. L. 100–180, div. A, title VII, § 717(a), (d)(1)(A), Dec. 4, 1987, 101 Stat. 1113, 1114; Pub. L. 101–189, div. A, title VII, §§ 710(a), 711(a), Nov. 29, 1989, 103 Stat. 1476, 1477, related to retention in active status of certain reserve officers. See section 14703(a)(1), (b) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

[CHAPTER 365—REPEALED]

[§§ 3881, 3882. Repealed. Pub. L. 85–155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section 3881, act Aug. 10, 1956, ch. 1041, 70A Stat. 222, authorized Secretary of the Army to retire regular commissioned officers of Army Nurse Corps or Women's Medical Specialist Corps whose regular grade is below major.

Section 3882, act Aug. 10, 1956, ch. 1041, 70A Stat. 222, authorized Secretary of the Army to retire regular commissioned officers of Army Nurse Corps or Women's Medical Specialist Corps whose regular grade is above captain.

[§§ 3883 to 3886. Repealed. Pub. L. 96–513, title II, § 216, Dec. 12, 1980, 94 Stat. 2886]

Section 3883, acts Aug. 10, 1956, ch. 1041, 70A Stat. 222; Aug. 6, 1958, Pub. L. 85–600, § 1(6), 72 Stat. 522; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115; Oct. 30, 1978, Pub. L. 95–551, § 2, 92 Stat. 2069, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is below major general, other than a professor or the director of admissions of the United States Military Academy, be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 3884, acts Aug. 10, 1956, ch. 1041, 70A Stat. 222; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 3923 of this title has been deferred under cl. (1) of that section, be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 3885, acts Aug. 10, 1956, ch. 1041, 70A Stat. 222; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date or unless retained under section 3923(2) of this title, each commissioned officer whose regular grade is major general be retired when he becomes 62 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 3886, acts Aug. 10, 1956, ch. 1041, 70A Stat. 222; Aug. 6, 1958, Pub. L. 85–600, § 1(7), 72 Stat. 522; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115; Oct. 30, 1978, Pub. L. 95–551, § 2, 92 Stat. 2069, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 3923 of this title has been deferred under cl. (2) of that section, and each permanent professor and the director of admissions of the United States Military Academy, be retired when he becomes 64 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3887. Repealed. Pub. L. 85–155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 223, related to computation of years of service of commissioned officers of Army Nurse Corps or Women's Medical Specialist Corps for purposes of retirement under former sections 3881 or 3882 of this title, or retirement pay under section 3991 of this title.

[§§ 3888, 3889. Repealed. Pub. L. 96–513, title II, § 216, Dec. 12, 1980, 94 Stat. 2886]

Section 3888, acts Aug. 10, 1956, ch. 1041, 70A Stat. 223; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(18), 71 Stat. 379; May 20, 1958, Pub. L. 85–422, § 11(a)(3), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85–861, § 1(96), 72 Stat. 1487, related to computation of service for determining retired pay of a commissioned officer of Regular Army retired under section 3883, 3884, 3885, or 3886 of this title. See section 1405 of this title.

Section 3889, act Aug. 10, 1956, ch. 1041, 70A Stat. 224, provided that a member of Army retired under this chapter be entitled to retired pay computed under chapter 371 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CHAPTER 367—RETIREMENT FOR LENGTH OF SERVICE

Sec.
3911. Twenty years or more: regular or reserve commissioned officers.
[3912, 3913. Repealed.]
3914. Twenty to thirty years: enlisted members.
[3915, 3916. Repealed.]
3917. Thirty years or more: regular enlisted members.
3918. Thirty years or more: regular commissioned officers.
[3919. Repealed.]
3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy.
3921. Mandatory retirement: Superintendent of the United States Military Academy; waiver authority.
[3922, 3923. Repealed.]
3924. Forty years or more: Army officers.
3925. Computation of years of service: voluntary retirement; enlisted members.
3926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers.
[3927, 3928. Repealed.]

Sec.
3929. Computation of retired pay: law applicable.

AMENDMENTS

2004—Pub. L. 108–375, div. A, title V, § 541(c)(1)(B), Oct. 28, 2004, 118 Stat. 1904, inserted ''; waiver authority'' after ''Academy'' in item 3921.

1999—Pub. L. 106–65, div. A, title V, § 532(a)(4)(A), Oct. 5, 1999, 113 Stat. 603, added item 3921.

1996—Pub. L. 104–106, div. A, title V, § 509(a)(2), Feb. 10, 1996, 110 Stat. 298, substituted ''permanent professors and the Director of Admissions of the United States Military Academy'' for ''permanent professors of United States Military Academy'' in item 3920.

1981—Pub. L. 97–22, § 10(b)(5), July 10, 1981, 95 Stat. 137, struck out item 3922 ''Thirty years or five years in grade: regular brigadier generals''.

1980—Pub. L. 96–513, title V, § 502(16), Dec. 12, 1980, 94 Stat. 2910, struck out item 3913 ''Twenty years or more: deferred officers not recommended for promotion'', item 3916 ''Twenty-eight years: promotion-list lieutenant colonels'', item 3919 ''Thirty years or more: regular commissioned officers; excessive number'', item 3921 ''Thirty years or five years in grade: promotion-list colonels'', item 3923 ''Thirty-five years or five years in grade: regular major generals'', and item 3927 ''Computation of years of service: mandatory retirement; regular commissioned officers''.

Pub. L. 96–343, § 9(a)(3), Sept. 8, 1980, 94 Stat. 1128, struck out ''regular'' before ''enlisted members'' in items 3914 and 3925.

1967—Pub. L. 90–130, § 1(13), Nov. 8, 1967, 81 Stat. 376, struck out item 3915 ''Twenty-five years: regular majors; Women's Army Corps, Army Nurse Corps and Army Medical Specialist Corps''.

1957—Pub. L. 85–155, title I, § 101(20), title IV, § 401(3), Aug. 21, 1957, 71 Stat. 380, 390, included the Army Nurse Corps and the Army Medical Specialist Corps within item 3915, and struck out item 3912 ''Twenty years or more: regular commissioned officers; Army Nurse Corps and Women's Medical Specialist Corps'' and item 3928 ''Computation of years of service: voluntary retirement; regular commissioned officers; Army Nurse Corps and Women's Medical Specialist Corps''.

§ 3911. Twenty years or more: regular or reserve commissioned officers

(a) The Secretary of the Army may, upon the officer's request, retire a regular or reserve commissioned officer of the Army who has at least 20 years of service computed under section 3926 of this title, at least 10 years of which have been active service as a commissioned officer.

(b)(1) The Secretary of Defense may authorize the Secretary of the Army, during the period specified in paragraph (2), to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Army) of not less than eight years.

(2) The period specified in this paragraph is the period beginning on January 6, 2006, and ending on December 31, 2008.

(Aug. 10, 1956, ch. 1041, 70A Stat. 224; Pub. L. 101–510, div. A, title V, § 523(a), Nov. 5, 1990, 104 Stat. 1562; Pub. L. 103–160, div. A, title V, § 561(c), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105–261, div. A, title V, § 561(e), Oct. 17, 1998, 112 Stat. 2025; Pub. L. 106–398, § 1 [[div. A], title V, § 571(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A–134; Pub. L. 109–163, div. A, title V, § 502(a), Jan. 6, 2006, 119 Stat. 3225; Pub. L. 109–364, div. A, title X, § 1071(a)(27), Oct. 17, 2006, 120 Stat. 2399.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3911	10:943a. 10:971b (1st 100 words).	July 31, 1935, ch. 422, § 5 (1st 101 words); restated June 13, 1940, ch. 344, § 3 (1st 45 words), 54 Stat. 380; June 29, 1948, ch. 708, § 202 (1st 105 words), 62 Stat. 1084; July 16, 1953, ch. 203, 67 Stat. 175.

The words ''a regular or reserve commissioned officer of the Army'' are substituted for the words ''any officer on the active list of the Regular Army or any officer of the reserve components of the Army of the United States''. The words ''Philippine Scouts'' are omitted as obsolete. The words ''has at least 20'' are substituted for the words ''shall have completed not less than twenty''. The words ''upon the officer's request'' are substituted for the words ''upon his own application''. The words ''service computed under section 3926 of this title'' are substituted for the words ''active Federal service in the armed forces of the United States'', since that revised section makes explicit the service covered.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–364 struck out second comma after ''paragraph (2)'' in par. (1) and substituted ''January 6, 2006,'' for ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006'' in par. (2).

Pub. L. 109–163 designated existing provisions as par. (1), substituted ''during the period specified in paragraph (2),'' for ''during the period beginning on October 1, 1990, and ending on December 31, 2001'', and added par. (2).

2000—Subsec. (b). Pub. L. 106–398 substituted ''December 31, 2001'' for ''September 30, 2001''.

1998—Subsec. (b). Pub. L. 105–261 substituted ''during the period beginning on October 1, 1990, and ending on September 30, 2001'' for ''during the nine-year period beginning on October 1, 1990.''

1993—Subsec. (b). Pub. L. 103–160 substituted ''nine-year period'' for ''five-year period''.

1990—Pub. L. 101–510 designated existing provisions as subsec. (a) and added subsec. (b).

TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Army, during the period beginning Oct. 23, 1992, and ending Oct. 1, 1995, to apply this section to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting ''at least 15 years'' for ''at least 20 years'' in subsec. (a) of this section, see section 4403 of Pub. L. 102–484, set out as a note under section 1293 of this title.

[§ 3912. Repealed. Pub. L. 85–155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 225, permitted the Secretary of the Army, upon the officer's request, to retire a commissioned officer of the Regular Army in the Army Nurse Corps or Women's Medical Specialist Corps who has at least 20 years of service computed under former section 3928 of this title.

[§ 3913. Repealed. Pub. L. 96–513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 225; July 12, 1960, Pub. L. 86–616, § 4, 74 Stat. 390; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115, provided for retirement of deferred officers not recommended for promotion after twenty years or more of service, except as provided in section 8301 of title 5. See section 627 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3914. Twenty to thirty years: enlisted members

Under regulations to be prescribed by the Secretary of the Army, an enlisted member of the Army who has at least 20, but less than 30, years of service computed under section 3925 of this title may, upon his request, be retired.

(Aug. 10, 1956, ch. 1041, 70A Stat. 225; Pub. L. 85–861, § 33(a)(25), Sept. 2, 1958, 72 Stat. 1565; Pub. L. 96–343, § 9(a)(1), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 103–337, div. A, title V, § 515(a), Oct. 5, 1994, 108 Stat. 2753.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3914	10:948 (1st sentence). 10:948a.	Oct. 6, 1945, ch. 393, § 4 (1st sentence); restated Aug. 10, 1946, ch. 952, § 6(a) (1st sentence), 60 Stat. 996. Aug. 10, 1946, ch. 952, § 7, 60 Stat. 996.

The words ''now or hereafter'', in 10:948a, are omitted as surplusage. The words ''computed under section 3925 of this title'' are substituted for the words ''active Federal service'', in 10:948, and ''active Federal military service'', in 10:948a, since that revised section makes explicit the service covered. The words ''be retired'' are substituted for the words ''will be placed on the retired list of'', in 10:948. The words ''completed a minimum'', in 10:948; and ''the period of'', ''be subject to'', ''periods of'', and ''now or after August 10, 1946'', in 10:948a; are omitted as surplusage.

1958 ACT

The change makes clear that the Secretary of the Army is required to prescribe regulations in this case, and conforms this section to section 8914, its Air Force counterpart.

AMENDMENTS

1994—Pub. L. 103–337 struck out at end ''A regular enlisted member then becomes a member of the Army Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 3925 of this title, plus his inactive service as a member of the Army Reserve, equals 30 years.''

1980—Pub. L. 96–343 struck out ''regular'' before ''enlisted members'' in section catchline and substituted in section ''an enlisted member'' for ''a regular enlisted member'', ''A regular enlisted member'' for ''He'', and ''Army Reserve. A member retired under this section'' for ''Army Reserve, and''.

1958—Pub. L. 85–861 substituted ''regulations to be prescribed'' for ''regulations prescribed''.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 9(c) of Pub. L. 96–343 provided that: ''The amendments made by this section [amending this section and sections 3925, 8914, and 8925 of this title] shall apply with respect to retired pay payable for months beginning after the date of the enactment of this Act [Sept. 8, 1980].''

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Army, during the period beginning Oct. 23, 1992, and ending Oct. 1, 1995, to apply this section to an enlisted member with at least 15 but less than 20 years of service by substituting ''at least 15'' for ''at least 20'', see section 4403 of Pub. L. 102–484, set out as a note under section 1293 of this title.

DOUBLE CREDITS FOR FOREIGN SERVICE BY ENLISTED MEN

Acts May 26, 1900, ch. 586, 31 Stat. 209; Mar. 2, 1903, ch. 975, 32 Stat. 933; Apr. 23, 1904, ch. 1485, 33 Stat. 264; Aug. 24, 1912, ch. 391, § 1, 37 Stat. 575; May 17, 1932, ch. 190, 47 Stat. 158, provided that: ''In computing length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, Puerto Rico, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama, but double credit shall not be given for service rendered subsequent to April 23, 1904, in Puerto Rico or the Territory of Hawaii, nor shall credit for double time for foreign service be given to those who enlisted after August 24, 1912: *Provided*, That nothing herein shall be so construed as to forfeit credit for double time accrued prior to August 24, 1912.''

[§ 3915. Repealed. Pub. L. 90–130, § 1(13), Nov. 8, 1967, 81 Stat. 376]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 225; Aug. 21, 1967, Pub. L. 85–155, title I, § 101(19), 71 Stat. 379; Sept. 30, 1966, Pub. L. 89–609, § 1(5), 80 Stat. 852; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115, provided for retirement after 25 years' service of regular majors in Women's Army Corps, Army Nurse Corps, and Army Medical Specialist Corps.

[§ 3916. Repealed. Pub. L. 96–513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 226; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(21), 71 Stat. 380; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115; Oct. 20, 1978, Pub. L. 95–485, title VIII, § 820(i), 92 Stat. 1628, provided for retirement of a promotion-list lieutenant colonel, except as provided by section 8301 of title 5, on 30th day after he completes 28 years of service, with authority for Secretary of the Army to defer retirement in certain cases. See section 633 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3917. Thirty years or more: regular enlisted members

A regular enlisted member of the Army who has at least 30 years of service computed under section 3925 of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 226.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3917	10:947 (less proviso). 10:947a (less last 11 words).	Mar. 2, 1907, ch. 2515, § 1 (1st 35 words), 34 Stat. 1217. Feb. 14, 1885, ch. 67 (less 43d through 53d words); restated Sept. 30, 1890, ch. 1125 (less 43d through 53d words), 26 Stat. 504.

The word ''regular'' is inserted to conform to an opinion of the Judge Advocate General of the Army (JAGA,

1953/2301, 23 Mar. 1953). The words ''upon his request'' are substituted for the words ''upon making application to the President'', in 10:947, and ''by application to the President'', in 10:947a. The words ''either as a private or noncommissioned officer, or both'', in 10:947a, are omitted as surplusage. The words ''shall be retired'' are substituted for the words ''be placed upon the retired list'', in 10:947, and ''be placed on the retired list heretofore created'', in 10:947a. The words ''computed under section 3925 of this title'' are inserted for clarity. The 21 words before the proviso and the proviso of the Act of February 14, 1885, as restated, are not contained in 10:947a. They are also omitted from the revised section, since the proviso is executed and the 21 words before the proviso are omitted as covered by formula E of section 3991 of this title.

§ 3918. Thirty years or more: regular commissioned officers

A regular commissioned officer of the Army who has at least 30 years of service computed under section 3926 of this title may be retired upon his request, in the discretion of the President.

(Aug. 10, 1956, ch. 1041, 70A Stat. 226.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3918	10:943.	R.S. 1243; Dec. 16, 1930, ch. 14, § 1 (as applicable to R.S. 1243), 46 Stat. 1028.

The word ''commissioned'' is inserted, since the retirement of warrant officers for length of service is covered by section 1293 of this title. The word ''regular'' is inserted, since 10:943 is applicable historically only to officers of the Regular Army. The words ''and placed on the retired list'' are omitted as surplusage. The words ''computed under section 3926 of this title'' are inserted for clarity.

DELEGATION OF FUNCTIONS

Functions of the President under this section to approve the request of a regular commissioned officer of the Army to retire after at least 30 years of service delegated to the Secretary of Defense to perform, without approval, ratification, or other action of the President, and with authority for the Secretary to redelegate, see Ex. Ord. No. 12396, §§ 1(f), 3, Dec. 9, 1982, 47 F.R. 55897, 55898, set out as a note under section 301 of Title 3, The President.

[§ 3919. Repealed. Pub. L. 96–513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 226, authorized Secretary of the Army, when he determined that there were too many commissioned officers on active list of Regular Army in any grade who have at least 30 years of service, to convene a board of at least five general officers of Regular Army to make recommendations for retirement and to retire any officer so recommended.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy

(a) The Secretary of the Army may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

(b) Subsection (a) applies in the case of the following officers:

(1) Any permanent professor of the United States Military Academy.

(2) The Director of Admissions of the United States Military Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 226; Pub. L. 104–106, div. A, title V, § 509(a)(1), Feb. 10, 1996, 110 Stat. 297.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3920	10:1079a(c) (proviso).	Aug. 7, 1947, ch. 512, § 520(c) (proviso), 61 Stat. 912.

The word ''retire'' is substituted for the words ''direct the retirement of''. The words ''as a commissioned officer'' are substituted for the word ''commissioned''.

AMENDMENTS

1996—Pub. L. 104–106 substituted ''permanent professors and the Director of Admissions of the United States Military Academy'' for ''permanent professors of United States Military Academy'' in section catchline and amended text generally. Prior to amendment, text read as follows: ''The Secretary of the Army may retire any permanent professor of the United States Military Academy who has more than 30 years of service as a commissioned officer.''

§ 3921. Mandatory retirement: Superintendent of the United States Military Academy; waiver authority

(a) MANDATORY RETIREMENT.—Upon the termination of the detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which that officer is eligible to retire.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) for good cause. In each case in which such a waiver is granted for an officer, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of the waiver, with a statement of the reasons supporting the decision that the officer not retire, and a written notification of the intent of the President to nominate the officer for reassignment.

(Added Pub. L. 106–65, div. A, title V, § 532(a)(1)(A), Oct. 5, 1999, 113 Stat. 602; amended Pub. L. 108–375, div. A, title V, § 541(a)(1), (c)(1)(A), Oct. 28, 2004, 118 Stat. 1902, 1903.)

PRIOR PROVISIONS

A prior section 3921, acts Aug. 10, 1956, ch. 1041, 70A Stat. 226; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115, provided for retirement of a promotion-list colonel, except as provided by section 8301 of title 5, on the 30th day after he completes 30 years of service or the 5th anniversary of the date of his appointment in that regular grade, whichever is later, with authority for the Secretary of the Army to defer retirement in certain cases, prior to repeal by Pub. L. 96–513, title II, § 217(a), title VII, § 701, Dec. 12, 1980, 94 Stat. 2886, 2955, effective Sept. 15, 1981. See section 634 of this title.

AMENDMENTS

2004—Pub. L. 108–375 inserted ''; waiver authority'' at end of section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

APPLICATION OF SECTION TO SUPERINTENDENTS SERVING ON OCTOBER 5, 1999

Pub. L. 106–65, div. A, title V, § 532(a)(5), Oct. 5, 1999, 113 Stat. 604, provided that: ''The amendments made by this subsection [enacting this section and sections 4333a, 6371, 6951a, 8921, and 9333a of this title] shall not apply to an officer serving on the date of the enactment of this Act [Oct. 5, 1999] in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service.''

[§§ 3922, 3923. Repealed. Pub. L. 96–513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section 3922, acts Aug. 10, 1956, ch. 1041, 70A Stat. 227; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115, provided for retirement of a regular grade brigadier general, other than a professor of the United States Military Academy, except as provided by section 8301 of title 5, on the 30th day after he completes 30 years of service or the 5th anniversary of the date of his appointment in that regular grade, whichever is later, with authority for the Secretary of the Army to defer retirement in certain cases. See section 635 of this title.

Section 3923, acts Aug. 10, 1956, ch. 1041, 70A Stat. 227; Nov. 2, 1966, Pub. L. 89–718, § 3, 80 Stat. 1115, provided for retirement of a regular grade major general, except as provided by section 8301 of title 5, on the 30th day after he completes 35 years of service or the 5th anniversary of his appointment in that regular grade, whichever is later, with authority for the Secretary of the Army to defer retirement in certain cases. See section 636 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3924. Forty years or more: Army officers

(a) Except as provided in section 1186 of this title, a commissioned officer of the Army who has at least 40 years of service computed under section 3926 of this title shall be retired upon his request.

(b) Any warrant officer of the Army who has at least 40 years of service computed under section 3926(a) of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 227; Pub. L. 96–513, title V, § 502(17), Dec. 12, 1980, 94 Stat. 2910.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3924(a)	10:942 (as applicable to commissioned officers).	June 30, 1882, ch. 254 (last 21 words of 3d proviso under ''Pay Department''), 22 Stat. 118.
3924(b)	10:942 (less applicability to commissioned officers).	

In subsection (a), the words ''except as provided in section 3786 of this title'' are inserted, since, under that revised section, when board proceedings are pending against a commissioned officer, his right to retire under this revised section, which is otherwise absolute, is discretionary with the Secretary under that revised section.

In subsections (a) and (b), the words ''or volunteer service, or both'' are omitted as obsolete in accordance with an opinion of the Attorney General, 22 Ops. Atty. Gen. 199, August 30, 1898, holding that such words refer to volunteer service in the Civil War. The words ''upon his request'' are substituted for the words ''if he make application therefor to the President''.

In subsection (b), the applicability of 10:942 to warrant officers is based on an opinion of the Judge Advocate General of the Army (JAGA 1950/6951, 4 Jan. 1951), which holds that 10:594 (less provisos) makes 10:942 applicable to warrant officers.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96–513 substituted ''1186'' for ''3786''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513, effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 3925. Computation of years of service: voluntary retirement; enlisted members

(a) For the purpose of determining whether an enlisted member of the Army may be retired under section 3914 or 3917 of this title, his years of service are computed by adding all active service in the armed forces and service computed under section 3683[1] of this title.

(b) Time required to be made up under section 972(a) of this title may not be counted in determining years of service under subsection (a).

(Aug. 10, 1956, ch. 1041, 70A Stat. 228; Pub. L. 85–861, § 1(97), Sept. 2, 1958, 72 Stat. 1488; Pub. L. 96–343, § 9(a)(2), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 99–348, title II, § 202(c), July 1, 1986, 100 Stat. 695; Pub. L. 103–337, div. A, title VI, § 635(a)(1), Oct. 5, 1994, 108 Stat. 2788; Pub. L. 104–106, div. A, title V, § 561(d)(2)(A), Feb. 10, 1996, 110 Stat. 322.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3925(a)	10:947 (proviso). 10:958.	Mar. 2, 1907, ch. 2515, § 1 (proviso), 34 Stat. 1218.
3925(b)	[No source].	Aug. 10, 1946, ch. 952, § 6(b), 60 Stat. 996.

In subsection (a), the words ''active service'' are substituted for the word ''service'', in 10:947, and ''active Federal service performed'', in 10:958, for uniformity. The words ''service computed under section 3683 of this title'' are inserted, since a person entitled to count service under that revised section might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

Subsection (b) is inserted because of section 3638 of this title and in accordance with long-standing interpretation of the effect of 10:629 upon the computation of years of service for retirement.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3925	[No source].	[No source].

The amendment reflects the repeal of section 3638 of this title and the enactment of a similar provision in section 972 of this title.

[1] See References in Text note below.

REFERENCES IN TEXT

Section 3683 of this title, referred to in subsec. (a), was repealed (subject to a savings clause) by Pub. L. 99–145, title XIII, § 1301(b)(1)(A), (C), Nov. 8, 1985, 99 Stat. 735.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–106 substituted ''section 972(a)'' for ''section 972''.

1994—Subsec. (a). Pub. L. 103–337, § 635(a)(1)(A), struck out ''and of computing his retired pay under section 3991 of this title,'' after ''3917 of this title,''.

Subsec. (c). Pub. L. 103–337, § 635(a)(1)(B), struck out subsec. (c) which read as follows: ''In determining a member's years of service under subsection (a) for the purpose of computing the member's retired pay under section 3991 of this title—

''(1) each full month of service that is in addition to the number of full years of service creditable to the member shall be credited as 1/12 of a year; and

''(2) any remaining fractional part of a year shall be disregarded.''

1986—Subsec. (c). Pub. L. 99–348 added subsec. (c).

1980—Pub. L. 96–343, § 9(a)(2)(A), struck out ''regular'' before ''enlisted members'' in section catchline.

Subsec. (a). Pub. L. 96–343, § 9(a)(2)(B), substituted ''an enlisted'' for ''a regular enlisted''.

1958—Subsec. (b). Pub. L. 85–861 substituted ''section 972 of this title'' for ''section 3638 of this title''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104–106, set out as a note under section 972 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103–337, set out as a note under section 1405 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–343 effective with respect to retired pay payable for months beginning after Sept. 8, 1980, see section 9(c) of Pub. L. 96–343, set out as a note under section 3914 of this title.

§ 3926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers

(a) For the purpose of determining whether an officer of the Army may be retired under section 3911, 3918, or 3924 of this title, his years of service are computed by adding—

(1) all active service performed as a member of the Army or the Air Force;

(2) all service in the Navy or Marine Corps that may be included in determining the eligibility of an officer of the Navy or Marine Corps for retirement;

(3) all service computed under section 3683[1] of this title; and

(4) if an officer of the Regular Army, all active service performed as an officer of the Philippine Constabulary.

(b) For the purpose of determining whether a commissioned officer of the Regular Army in the Medical Corps may be retired under section 3911, 3918, or 3924 of this title, his years of service are computed by adding to his service under subsection (a) all service performed as a contract surgeon, acting assistant surgeon, or contract physician, under a contract to serve full time and to take and change station as ordered.

(c) For the purpose of determining whether a commissioned officer of the Regular Army in the Dental Corps may be retired under section 3911, 3918, or 3924 of this title, his years of service are computed by adding to his service under subsection (a) all service as a contract dental surgeon or acting dental surgeon.

(d) For the purpose of determining whether a commissioned officer of the Army Nurse Corps or the Army Medical Specialist Corps may be retired under section 3911 of this title, all service computed under section 3683[1] of this title shall be treated as if it were service as a commissioned officer.

(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 228; Pub. L. 86–197, § 1(5), Aug. 25, 1959, 73 Stat. 426; Pub. L. 104–106, div. A, title V, § 561(d)(2)(B), Feb. 10, 1996, 110 Stat. 322.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3926(a)	10:951 (less applicability to 10:166g(a)). 10:951a. 10:951b (less applicability to 10:166g(a)). [Uncodified: June 18, 1878, ch. 263, § 7 (less applicability to 10:166g(a)), 20 Stat. 150].	June 3, 1916, ch. 134, § 127a (6th par., less 1st 13 words, and less applicability to § 108(a) of the Act of Apr. 16, 1949, ch. 38, as amended); added June 4, 1920, ch. 227, subch. I, § 51 (6th par., less 1st 13 words, and less applicability to § 108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 41 Stat. 785. May 23, 1928, ch. 716, 45 Stat. 720. June 15, 1935, ch. 257 (less applicability to § 108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 49 Stat. 377. June 18, 1878, ch. 263, § 7 (less applicability to § 108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 20 Stat. 150. May 29, 1928, ch. 902, 45 Stat. 996; Jan. 29, 1938, ch. 12, § 2, 52 Stat. 8.
3926(b)	10:953a (1st sentence).	
3926(c)	10:953a (less 1st sentence).	

Subsection (a) consolidates the various service computation provisions applicable to voluntary retirement of commissioned officers. Clause (1) is substituted for 10:951. Clause (2) is substituted for 10:951b. The words ''pay period and'', in 10:951a, are omitted as superseded by section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233). The words ''longevity pay and'', in section 7 of the act of June 18, 1878, ch. 263, 20 Stat. 150, are omitted for the same reason. The last sentence of section 7 of that act is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the act of June 29, 1948, ch. 708, 62 Stat. 1084. Clause (3) is inserted, since a person entitled to count service under section 3683 of this title might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

In subsection (b), the words ''as a member of the Medical Reserve Corps'', in 10:953a, are omitted as covered

[1] See References in Text note below.

by subsection (a)(1). The words ''are computed by adding to his service under subsection (a)'' are substituted for the words ''shall be credited to the same extent as service under a Regular Army commission''.

Subsection (c) is substituted for 10:953a (less 1st sentence).

REFERENCES IN TEXT

Section 3683 of this title, referred to in subsecs. (a)(3) and (d), was repealed (subject to a savings clause) by Pub. L. 99–145, title XIII, § 1301(b)(1)(A), (C), Nov. 8, 1985, 99 Stat. 735.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–106 added subsec. (e).
1959—Subsec. (d). Pub. L. 86–197 added subsec. (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104–106, set out as a note under section 972 of this title.

[§ 3927. Repealed. Pub. L. 96–513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 228; Aug. 21, 1957, Pub. L. 85–155, title I, § 101(22), 71 Stat. 380; May 20, 1958, Pub. L. 85–422, § 11(a)(4), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85–861, § 1(98), 72 Stat. 1488, related to computation of years of service for determining whether a regular commissioned officer should be retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title and for determining the retired pay of officers of the Regular Army retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title. See section 1405 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 3928. Repealed. Pub. L. 85–155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 229, related to computation of years of service of commissioned officers of the Army Nurse Corps or Women's Medical Specialist Corps for the purposes of retirement under former section 3912 of this title, or retirement pay under section 3991 of this title.

§ 3929. Computation of retired pay: law applicable

A member of the Army retired under this chapter is entitled to retired pay computed under chapter 371 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 230.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3929	[No source].	[No source].

The revised section is based on the various retirement provisions in this chapter and is inserted to make explicit the entitlement to retired pay upon retirement.

CHAPTER 369—RETIRED GRADE

Sec.
3961. General rule.
3962. Higher grade for service in special positions.
3963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.
3964. Higher grade after 30 years of service: warrant officers and enlisted members.
3965. Restoration to former grade: retired warrant officers and enlisted members.
3966. Retired lists.

AMENDMENTS

1996—Pub. L. 104–201, div. A, title V, § 532(a)(2), Sept. 23, 1996, 110 Stat. 2518, added item 3963.

1988—Pub. L. 100–456, div. A, title XII, § 1233(i)(1)(B), Sept. 29, 1988, 102 Stat. 2058, substituted ''retired'' for ''regular'' in item 3965.

1987—Pub. L. 100–180, div. A, title V, § 512(e)(1), Dec. 4, 1987, 101 Stat. 1091, substituted ''warrant officers and enlisted members'' for ''Army warrant officers; regular enlisted members'' in item 3964.

1985—Pub. L. 99–145, title XIII, § 1301(b)(2)(B), Nov. 8, 1985, 99 Stat. 735, struck out item 3963 ''Higher grade for service during certain periods: regular and reserve commissioned officers''.

1980—Pub. L. 96–343, § 13(a)(4), Sept. 8, 1980, 94 Stat. 1131, substituted ''positions'' for ''positions: regular commissioned officers'' in item 3962.

§ 3961. General rule

(a) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Army who retires other than for physical disability, is determined under section 1370 of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Army not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.

(Aug. 10, 1956, ch. 1041, 70A Stat. 230; Pub. L. 96–513, title V, § 502(18), Dec. 12, 1980, 94 Stat. 2910; Pub. L. 103–337, div. A, title XVI, § 1672(c)(2), Oct. 5, 1994, 108 Stat. 3015; Pub. L. 106–398, § 1 [[div. A], title V, § 506(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–102.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3961	10:941a(a)(3) (31st through 42d words; and proviso, as applicable to retired grade). 10:941a(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade). 10:947a (last 11 words). 10:1025. 10:1026 (proviso).	Aug. 7, 1947, ch. 512, §§ 514(a)(3) (31st through 42d words; and proviso, as applicable to retired grade), 514(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade), 61 Stat. 893, 902. Feb. 14, 1885, ch. 67 (43d through 53d words); restated Sept. 30, 1890, ch. 1125 (43d through 53d words), 26 Stat. 504. R.S. 1254. June 3, 1916, ch. 134, § 4c (proviso); added June 29, 1945, ch. 197 (proviso); restated Aug. 7, 1947, ch. 512, § 513(c) (proviso), 61 Stat. 902.

The applicability of the rule stated in the revised section to situations not expressly covered by the laws named in the source credits above is necessarily implied from laws providing for retirement in higher grade in those situations.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–398 struck out ''or for nonregular service under chapter 1223 of this title'' before '', is determined''.

1994—Subsec. (a). Pub. L. 103–337 substituted ''chapter 1223'' for ''chapter 67''.

1980—Pub. L. 96–513 added subsec. (a), designated existing provisions as subsec. (b), and inserted ''not covered by subsection (a)'' after ''Regular or Reserve of the Army''.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title V, § 506(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–102, provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 8961 of this title] shall apply to Reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion by a board convened under chapter 36 or 1403 of title 10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 1, 1996.''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 3962. Higher grade for service in special positions

Upon retirement, any permanent professor of the United States Military Academy whose grade is below brigadier general, and whose service as such a professor has been long and distinguished, may, in the discretion of the President, be retired in the grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 230; Pub. L. 85–861, § 1(99), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 89–288, § 2, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 96–343, § 13(a)(1)–(3), Sept. 8, 1980, 94 Stat. 1131; Pub. L. 96–513, title V, § 502(19), Dec. 12, 1980, 94 Stat. 2910; Pub. L. 97–22, § 10(a)(2)(B), July 10, 1981, 95 Stat. 136; Pub. L. 104–106, div. A, title V, § 502(c), (d)(1), Feb. 10, 1996, 110 Stat. 293.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3962(a)	10:506b(d) (less 1st and last provisos).	Aug. 4, 1947, ch. 459, § 102(c) (1st 6, and 9th through 43d, words), 61 Stat. 735.
3962(b)	10:156c (1st 6, and 9th through 43d, words).	
	10:1026 (less 24 words before proviso, and less proviso).	June 3, 1916, ch. 134, § 4c (less 24 words before proviso, and less proviso); added June 4, 1920, ch. 227, § 4 (less last 18 words of 4th sentence of 7th par.); June 6, 1924, ch. 275, § 2; July 2, 1926, ch. 721, § 7; Apr. 22, 1938, ch. 167; May 12, 1939, ch. 127 (less 75th through 91st words); Oct. 14, 1940, ch. 858, § 1 (less last 26 words); restated June 29, 1945, ch. 197 (less 24 words before proviso, and less proviso); restated Aug. 7, 1947, ch. 512, § 513(c) (less 24 words before proviso, and less proviso), 61 Stat. 902.
3962(c)	10:166g(b) (1st 5, and 8th through 76th, words; and proviso).	
	10:316b(b) (1st 6, and 9th through 54th, words).	
3962(d)	10:1079a(b) (less proviso).	Aug. 7, 1947, ch. 512, §§ 504(d) (less 1st and last provisos), 520(b) (less proviso), 61 Stat. 888, 912. Apr. 16, 1947, ch. 38, § 108(b) (1st 5, and 8th through 76th, words; and proviso); restated May 16, 1950, ch. 186, § 3(d)(b) (1st 5, and 8th through 76th, words; and proviso), 64 Stat. 161. June 12, 1948, ch. 449, § 103(b) (1st 6, and 9th through 54th, words), 62 Stat. 357.

In subsection (a), the words ''who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Army, (3) as a senior member of the Military Staff Committee of the United Nations, or (4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 3066 of this title'' are substituted for the words ''while serving in accordance with the provisions of subsection (b) or (c) of this section''.

In subsection (b), or 10:156c (1st 6, and 9th through 43d, words) is omitted as covered by 10:1026 (less 24 words before proviso, and less proviso), since the Medical Service Corps is a branch of the Army. The references to the Commanding General of the General Headquarters Air Force are omitted as executed.

In subsection (c), 10:166g(b) (proviso) is omitted as executed.

In subsection (d), the words ''Upon retirement'' are substituted for the words ''When is retired''. The word ''allowances'' is omitted, since retired officers are not entitled to allowances. The words ''grade is below brigadier general'' are inserted, since any permanent professor who has the grade of brigadier general retires in that grade under section 4335 of this title.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3962	[No source].	[No source].

The amendment reflects section 1 of the Act of May 31, 1956, ch. 348 (70 Stat. 222), which in effect amended section 3963 of this title to cover regular officers covered by section 3962(c).

AMENDMENTS

1996—Pub. L. 104–106 designated subsec. (b) as entire section and struck out subsec. (a) which read as follows: ''Upon retirement, a commissioned officer of the Army who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Army, (3) as a senior member of the Military Staff Committee of the United Nations, or (4) as Surgeon General of the Army in the grade of lieutenant general may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade in which he served on active duty.''

1980—Pub. L. 96–343, § 13(a)(3), substituted ''positions'' for ''positions: regular commissioned officers'' in section catchline.

Subsec. (a). Pub. L. 96–513, § 502(19)(A), as amended by Pub. L. 97–22, struck out cl. (4) which had referred to service in a position of importance and responsibility designated by the President to carry out the grade of general or lieutenant general under section 3066 of this title, and redesignated cl. (5) as (4).

Pub. L. 96–343, § 13(a)(1), substituted ''Army who has'' for ''Regular Army who has'' and ''in which he served on active duty'' for ''held by him at any time on the active list''.

Subsec. (b). Pub. L. 96–513, § 502(19)(B), (C), redesignated subsec. (c) as (b). Former subsec. (b), which provided that, upon retirement, a commissioned officer of the Army who had served at least four years as chief or assistant chief of a branch was entitled to retire in the highest grade, prescribed for such an office, that he had held while so serving, was struck out.

Pub. L. 96–343, § 13(a)(2), struck out ''Regular'' before ''Army''.

Subsec. (c). Pub. L. 96–513, § 502(19)(C), redesignated subsec. (c) as (b).

1965—Subsec. (a). Pub. L. 89–288 added the Surgeon General of the Army to the list of commissioned officers who may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by him at any time on the active list.

1958—Subsecs. (c), (d). Pub. L. 85–861 redesignated former subsec. (d) as (c) and repealed former subsec. (c) which related to retirement of commissioned officers who served as Director or Deputy Director of the Women's Army Corps, Chief of the Army Nurse Corps, or Chief or assistant chief of the Women's Medical Specialist Corps.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

APPOINTMENT BY PRESIDENT OF RETIRED COMMISSIONED OFFICER OF RESERVE COMPONENT TO HIGHER RETIRED GRADE; RECALCULATION OF PAY

Section 13(c) of Pub. L. 96–343 provided that:

''(1) The President may, by and with the advice and consent of the Senate, appoint any commissioned officer of a reserve component of the Armed Forces who retired after December 31, 1967, to the retired grade in which such officer could have been retired had such officer retired on or after the date of the enactment of this Act [Sept. 8, 1980].

''(2) The retired pay of any retired officer who is appointed to a higher retired grade under paragraph (1) shall be recalculated as if such officer had retired in the grade to which appointed, but any increase in such retired pay by virtue of such appointment or this subsection shall be effective only with respect to periods beginning on or after the date on which such appointment is made.''

RETIRED GRADE FOR CERTAIN GENERAL OFFICERS

Section 38 of act Aug. 10, 1956, provided that the President, by and with the advice and consent of the Senate, could extend privilege granted by former sections 3962(a) and 8962(a) of this title to retired officers who served in grade of general or lieutenant general after Dec. 7, 1941, and before July 1, 1946.

§ 3963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

(a) A Reserve enlisted member of the Army described in subsection (b) who is retired under section 3914 of this title shall be retired in the highest enlisted grade in which the member served on active duty satisfactorily (or, in the case of a member of the National Guard, in which the member served on full-time National Guard duty satisfactorily), as determined by the Secretary of the Army.

(b) This section applies to a Reserve enlisted member who—

(1) at the time of retirement is serving on active duty (or, in the case of a member of the National Guard, on full-time National Guard duty) in a grade lower than the highest enlisted grade held by the member while on active duty (or full-time National Guard duty); and

(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Army.

(c) This section applies with respect to Reserve enlisted members who are retired under section 3914 of this title after September 30, 1996.

(Added Pub. L. 104–201, div. A, title V, § 532(a)(1), Sept. 23, 1996, 110 Stat. 2518.)

PRIOR PROVISIONS

A prior section 3963, acts Aug. 10, 1956, ch. 1041, 70A Stat. 230; Sept. 2, 1958, Pub. L. 85–861, § 1(60), (100), 72 Stat. 1462, 1489; Dec. 12, 1980, Pub. L. 96–513, title V, § 502(20), 94 Stat. 2910, related to higher grade for service during certain periods for regular and reserve commissioned officers, prior to repeal by Pub. L. 99–145, title XIII, § 1301(b)(2)(A), (C), Nov. 8, 1985, 99 Stat. 735, with such repeal not applicable in the case of a member of the Regular Army described in section 3963 of this title, as such section was in effect on the day before Nov. 8, 1985.

§ 3964. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each retired member of the Army covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Army.

(b) This section applies to—

(1) warrant officers of the Army;

(2) enlisted members of the Regular Army; and

(3) reserve enlisted members of the Army who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time National Guard duty).

(Aug. 10, 1956, ch. 1041, 70A Stat. 231; Pub. L. 85–861, § 1(100), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 98–525, title V, § 533(c), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 100–180, div. A, title V, § 512(a), Dec. 4, 1987, 101 Stat. 1089.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3964	10:594 (1st proviso, less last 39 words; and last proviso). 10:1004 (less 30 words before proviso).	Aug. 21, 1941, ch. 384, § 5 (1st proviso, less last 39 words; and last proviso); restated June 29, 1948, ch. 708, § 203(c) (1st proviso, less last 39 words; and last proviso), 62 Stat. 1085; May 29, 1954, ch. 249, § 19(f), 68 Stat. 167. June 29, 1948, ch. 708, § 203(e) (less 30 words before proviso), 62 Stat. 1086.

The words ''when his active service plus his service on the retired list totals 30 years'' are substituted for the words ''upon the completion of thirty years' [years

of] service, to include the sum of his active service and his service on the retired list'', in 10:594 and 1004. The words ''under any provision of law'', in 10:594 and 1004; ''officer, flight officer, or warrant officer'', in 10:594; and ''commissioned, warrant, or enlisted'', in 10:1004; are omitted as surplusage. 10:594 (last proviso) and 1004 (proviso) are omitted as superseded by section 1372 of this title.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3964	10 App.:1004.	May 31, 1956, ch. 348, § 1, 70 Stat. 222.

AMENDMENTS

1987—Pub. L. 100–180 substituted ''warrant officers and enlisted members'' for ''Army warrant officers; regular enlisted members'' in section catchline and amended text generally. Prior to amendment, text read as follows: ''Each warrant officer of the Army, and each enlisted member of the Regular Army, who is retired before or after this title is enacted is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Army.''

1984—Pub. L. 98–525 substituted ''highest grade'' for ''highest temporary grade''.

1958—Pub. L. 85–861 struck out '', after September 8, 1940 and before July 1, 1946'' after ''Secretary of the Army''.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 512(f) of Pub. L. 100–180 provided that: ''The amendments made by subsections (a) and (c) [amending this section and section 8964 of this title] shall apply to any reserve enlisted member who completes 30 years of service in the Armed Forces before, on, or after the date of the enactment of this Act [Dec. 4, 1987]. No person may be paid retired pay at a higher rate by reason of the enactment of this Act [Pub. L. 100–180, see Tables for classification] for any period before the date of the enactment of this Act.''

§ 3965. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Army who has been advanced on the retired list to a higher commissioned grade under section 3964 of this title, and who applies to the Secretary of the Army within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted status, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 231; Pub. L. 100–180, div. A, title V, § 512(d)(1), Dec. 4, 1987, 101 Stat. 1090; Pub. L. 100–456, div. A, title XII, § 1233(i)(1)(A), Sept. 29, 1988, 102 Stat. 2058.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3965	10:1006.	June 29, 1948, ch. 708, § 204, 62 Stat. 1086.

The words ''hereafter'', ''rank or'', and ''shall thereafter be deemed to be enlisted or warrant officer personnel, as appropriate, for all purposes'' are omitted as surplusage. The words ''three months from June 29, 1948'' and ''whichever is later'' are omitted as executed.

AMENDMENTS

1988—Pub. L. 100–456 substituted ''retired'' for ''regular'' in section catchline.

1987—Pub. L. 100–180 struck out ''Regular'' before ''Army who''.

§ 3966. Retired lists

(a) The Secretary of the Army shall maintain a retired list containing the name of each retired commissioned officer of the Regular Army.

(b) The Secretary shall maintain a retired list containing the name of—

(1) each person entitled to retired pay under any law providing retired pay for commissioned officers of the Army, other than of the Regular Army; and

(2) each retired warrant officer or enlisted member of the Army who is advanced to a commissioned grade.

(c) The Secretary shall maintain a retired list containing the name of each retired warrant officer of the Army.

(d) The Secretary shall maintain a retired list containing the name of each retired enlisted member of the Regular Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 231; Pub. L. 85–861, § 1(101), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 100–180, div. A, title V, § 512(d)(1), Dec. 4, 1987, 101 Stat. 1090.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3966(a)	10:1001.	June 29, 1948, ch. 708, §§ 201, 301(a), 62 Stat. 1084, 1087.
3966(b)	10:1036.	
3966(c)	[No source].	
3966(d)	[No source].	

In subsections (a), (b), (c) and (d), the word ''maintain'' is substituted for the word ''establish'', since the lists have been established and are published annually.

In subsection (a), the words ''Effective upon June 29, 1948'' are omitted as executed. 10:1001 (last 12 words of 1st sentence, and last sentence) is omitted as no longer required, since, upon enactment of this title laws referring to the limited or unlimited retired list will be expressly repealed.

Subsection (b)(1) is substituted for the words ''all commissioned officers and former commissioned officers of the Army of the United States other than those of the Regular Army heretofore or hereafter granted retirement pay under sections 456, 456a, and 1036a of this title, or any law hereafter enacted to provide retirement pay for commissioned officers other than those of the Regular Army''.

In subsection (b)(2), the words ''who is advanced to a commissioned grade'' are substituted for the words ''heretofore or hereafter retired under any provision of law who, by reason of service in temporary commissioned grades in the Army of the United States or in any of the respective components thereof, are entitled to be retired with commissioned rank or grade''.

Subsections (c) and (d) are inserted, since sections 3964 and 3965 of this title refer to service on the retired list as a warrant officer or enlisted member.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3966(a)	10 App.:1001.	July 24, 1956, ch. 677, § 2(f), (g), 70 Stat. 623.
3966(b)	10 App.:1036.	

AMENDMENTS

1987—Subsec. (b)(2). Pub. L. 100–180 struck out ''Regular'' before ''Army''.

1958—Pub. L. 85–861 struck out provisions in subsecs. (a) and (b) which required annual publication in the official Army Register of the retired list.

CHAPTER 371—COMPUTATION OF RETIRED PAY

Sec.
3991. Computation of retired pay.
3992. Recomputation of retired pay to reflect advancement on retired list.

§ 3991. Computation of retired pay

(a) COMPUTATION.—

(1) FORMULA.—The monthly retired pay of a member entitled to such pay under this subtitle is computed by multiplying—

(A) the member's retired pay base (as computed under section 1406(c) or 1407 of this title), by

(B) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

(2) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—If a member who is retired under section 3914 of this title has been credited by the Secretary of the Army with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

(b) GENERAL RULES.—

(1) USE OF MOST FAVORABLE FORMULA.—If a person would otherwise be entitled to retired pay computed under more than one formula in subsection (a) or the table in section 1401 of this title, he is entitled to be paid under the applicable formula that is most favorable to him.

(2) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (a), if not a multiple of $1, shall be rounded to the next lower multiple of $1.

(c) SPECIAL RULE FOR RETIRED RESERVE ENLISTED MEMBERS COVERED BY SECTION 3963.—In the case of a Reserve enlisted member retired under section 3914 of this title whose retired grade is determined under section 3963 of this title and who first became a member of a uniformed service before September 8, 1980, the retired pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the member's retired grade (determined based upon the rates of basic pay applicable on the date of the member's retirement), and that amount shall be used for the purposes of subsection (a)(1)(A) rather than the amount computed under section 1406(c) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 232; Pub. L. 85–155, title I, § 101(23), Aug. 21, 1957, 71 Stat. 380; Pub. L. 85–422, §§ 6(1), (8), 11(a)(5), May 20, 1958, 72 Stat. 129, 131; Pub. L. 85–861, § 1(101A), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 88–132, § 5(h)(2), Oct. 2, 1963, 77 Stat. 214; Pub. L. 90–207, § 3(2), Dec. 16, 1967, 81 Stat. 653; Pub. L. 96–342, title VIII, § 813(c), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96–513, title V, §§ 502(21), (22), 512(10), Dec. 12, 1980, 94 Stat. 2910, 2929; Pub. L. 98–94, title IX, §§ 922(a)(7), 923(a)(1), (2)(F), Sept. 24, 1983, 97 Stat. 641, 642; Pub. L. 99–348, title II, § 202(a), July 1, 1986, 100 Stat. 694; Pub. L. 103–337, div. A, title VI, § 635(a)(2), Oct. 5, 1994, 108 Stat. 2788; Pub. L. 104–201, div. A, title V, § 532(d)(1), Sept. 23, 1996, 110 Stat. 2520.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3991 Introductory paragraph.	10:156c (7th and 8th words). 10:166g(b) (7th word). 10:316b(b) (7th and 8th words). 10:941a(a)(3) (proviso, less applicability to retired grade). 10:941a(e) (1st proviso of clause (1), less applicability to retired grade).	R.S. 1274. Mar. 2, 1907, ch. 2515, § 1 (less 1st 35 words, and less proviso), 34 Stat. 1217. June 3, 1916, ch. 134, § 4c (24 words before proviso); added June 4, 1920, ch. 227, § 4 (last 18 words of 4th sentence of 7th par.); May 12, 1939, ch. 127 (75th through 91st words); Oct. 14, 1940, ch. 858, § 1 (last 26 words); restated June 29, 1945, ch. 197 (21 words before proviso); restated Aug. 7, 1947, ch. 512, § 513(c) (24 words before proviso), 61 Stat. 902.
3991(A)	10:166g(a) (less 1st 49 words; less 1st proviso; and less 1st 84 words of last proviso).	
3991(B)	10:941a(a)(3) (less 31st through 42d words, and less proviso). 10:941a(e) (clause (1), less 1st 25, and 59th through 113th, words; and less 1st proviso).	
3991(C)	10:971. 10:971b (less 1st 100 words, and less 1st and 3d provisos).	July 31, 1935, ch. 422, § 5 (less 1st 101 words, and less 3d proviso); restated June 13, 1940, ch. 344, § 3 (less 1st 45 words, and less 2d proviso), 54 Stat. 380; Aug. 7, 1947, ch. 512, §§ 514(g), 521(a), 61 Stat. 906, 912; June 29, 1948, ch. 708, § 202 (less 1st 105 words), 62 Stat. 1084.
3991(D)	10:948 (less 1st sentence, and less 1st and last provisos of last sentence).	
3991(E)	10:980.	
3991 Footnote 1.	10:506b(d) (1st proviso). 10:1079a(b) (proviso).	
3991 Footnote 2.	10:156c (less 1st 43, and last 13, words). 10:166g(b) (less 1st 76 words, less 20 words before proviso, and less proviso). 10:316b(b) (less 1st 54, and last 13, words). 10:1002 (34 words before proviso, and proviso). 10:1003 (last 40 words). 10:1026 (24 words before proviso).	Oct. 6, 1945, ch. 393, § 4 (less 1st sentence); restated Aug. 10, 1946, ch. 952, § 6(a) (less 1st sentence), 60 Stat. 996. Aug. 10, 1946, ch. 952, § 6(c), 60 Stat. 996. Apr. 16, 1947, ch. 38, § 108(a) (less 1st 49 words, and less 1st 84 words of last proviso), 61 Stat. 44.
3991 Footnote 3.	[No source].	Apr. 16, 1947, ch. 38, § 108(b) (less 1st 5, and 8th through 76th, words; less 20 words before proviso; and less proviso); restated May 16, 1950, ch. 186, § 3(d)(b) (less 1st 5, and 8th through 76th, words; less 20 words before proviso; and less proviso), 64 Stat. 161. Aug. 4, 1947, ch. 459, § 102(c) (less 1st 6, 9th through 43d, and last 13, words), 61 Stat. 735. Aug. 7, 1947, ch. 512, §§ 504(d) (1st proviso), 514(a)(3) (less 31st through 42d words; and less proviso, less applicability to retired grade), 514(e) (clause (1), less 1st 25, and 59th through 93d, words; and less 1st proviso, as applicable to retired grade), 520(b) (proviso), 61 Stat. 888, 902, 905, 912. June 12, 1948, ch. 449, § 103(b) (less 1st 6, 9th through 54th, and last 13, words), 62 Stat. 357.
3991 Footnote 4.	10:166g(a) (1st proviso). 10:941a(e) (94th through 113th words of clause (1). 10:948 (last proviso of last sentence). 10:971b (1st proviso). 37:272(d) (1st proviso).	
3991 Footnote 5.	10:948 (1st proviso of last sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
		June 29, 1948, ch. 708, §§ 203(a) (34 words before proviso, and proviso), 203(d) (last 40 words), 62 Stat. 1085.

In the introductory paragraph, the applicability of the rule stated in the third sentence to situations not expressly covered by the laws named in the source statutes above is a practical construction that the rule must be reciprocally applied in all cases.

In formula B, the words ''basic pay'' are substituted for the words ''base and longevity pay'' to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words ''his retired grade'' are substituted for the words ''permanent grade held at time of retirement'' to reflect the right to higher retired grade when qualified under other provisions of law. 10:941a(e) (last proviso of clause (1)) is omitted, since, under section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233), the active duty pay of all members of the Army is based upon years of service.

In formula C, the computation is based on monthly pay instead of annual pay to conform to the other formulas of the revised section. The words ''basic pay'' are substituted for the words ''active duty base and longevity pay'', and the words ''in determining his basic pay'' are substituted for the words ''for longevity pay purposes'', to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words ''Monthly basic pay of member's retired grade'' are substituted for the words ''the rank upon which they are retired'', in 10:971, and ''rank with which retired'', in 10:971b, to reflect their right to advancement on the retired list. 10:971 now applies only when the retiring officer has 30 or more years of service which may be credited in computing his retired pay. 10:971b (2d proviso) is omitted, since, under section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233), the pay of all members is based upon cumulative years of service. 10:971b (4th proviso) is omitted as executed. 10:971b (last proviso) is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the act of June 29, 1948, ch. 708, 62 Stat. 1084. Sections 3918, 3920, and 3924 are included under this formula, since it achieves the same result as is reached on a basis of 30 years multiplied by 2½ percent, and simplifies the table.

In formulas D and E, the words ''credited under section 3925'' are substituted for the words ''active Federal service'', since that revised section makes explicit the service covered. The act of August 10, 1946, ch. 952, § 6(c), 60 Stat. 996, is not contained in 10:948. It is also omitted from the revised section as executed. 10:980 now applies only when the retiring enlisted member has at least 30 years of service which may be credited in computing his retired pay. However, as noted above, 10:980 is the only provision of law applicable to cases in which the retiring member has at least 30 years of service. The act of June 16, 1942, ch. 413, § 19 (63d through 75th words of 2d par.), 56 Stat. 369, repealed so much of the act of March 2, 1907, ch. 2513, 34 Stat. 1217, as provided allowances for enlisted men on the retired list. The repeal of section 19 of the act of June 16, 1942, by section 531(b)(34) of the Career Compensation Act of 1949, 63 Stat. 839, did not revive that portion of the act of March 2, 1907, which had been repealed by the act of June 16, 1942. Accordingly, the act of March 2, 1907, as thus modified by the act of June 16, 1942, is used as the basis for formula E.

Footnote 2 reflects the long-standing construction of those provisions dealing with computation of retired pay which do not specifically provide that the member is entitled to compute his retired pay on the basis of the monthly basic pay to which he would be entitled if he were on active duty in his retired grade. Except in cases covered by formula C the pertinent basic computation provisions for such retirement either provide for computation of retired pay on the same basis as the provisions dealing with higher retired grade, or the basic retirement provisions were themselves enacted after the provisions authorizing higher retired grade. The provisos of 10:1002 and 1005 are omitted as surplusage, since no formula for the computation of retired pay includes inactive service on the retired list as a credit.

The words ''at rates applicable on date of retirement and adjust to reflect later changes in permanent rates'', in footnote 2; and all of footnote 4; are based on the source statutes incorporated in the formulas to which footnotes 2 and 4 apply.

In footnote 4, the words ''and disregard a part of a year that is less than six months'' are made applicable to formulas A—E although this part of the rule is expressed only as to formula B, in 10:941a(e)(1). The legislative history of the Career Compensation Act of 1949 (Hearings before the Committee on Armed Services of the Senate on H.R. 5007, 81st Congress, first session, p. 313, July 6, 1949) indicates that the provisions, upon which formulas A and C—E are based, should be construed to require that a part of a year that is less than six months be disregarded.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3991	[No source].	[No source].

The amendment reflects section 1(99) of the bill [amending section 3962 of Title 10].

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–201 added subsec. (c).

1994—Subsec. (a)(1). Pub. L. 103–337, § 635(a)(2)(A), amended par. (1) generally. Prior to amendment, par. (1) contained table which provided two formulas for computing retired pay for cases covered under sections 3911, 3914, 3917, 3918, 3920, and 3924 of this title.

Subsec. (b)(1). Pub. L. 103–337, § 635(a)(2)(B)(i), struck out ''of the table'' after ''than one formula''.

Subsec. (b)(3). Pub. L. 103–337, § 635(a)(2)(B)(ii), struck out heading and text of par. (3). Text read as follows: ''Section references in the table in subsection (a) are to sections of this title.''

1986—Pub. L. 99–348 amended section generally by completely revising the formula for computation of retired pay to provide that the retired pay base as computed under section 1406(c) or 1407 be multiplied by the retired pay multiplier prescribed in section 1409 for years of service credited under section 1405 for sections 3911, 3918, 3920, and 3924 and for the years of service credited under section 3925 for sections 3914 and 3917, eliminated monthly basic pay of a member's retired grade or to which a member was entitled on the day before he retired multiplied by 2½ percent of the years of service credited, subject to footnotes 1 to 4, as the basis for computing retired pay, incorporated provisions of column 3 and footnote 5 into subsec. (a)(2), struck out column 4, which provided that the excess over 75% of pay upon which the computation is based be subtracted, struck out footnotes 1 to 4, and added subsec. (b).

1983—Pub. L. 98–94, § 922(a)(7), inserted ''The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.''

Pub. L. 98–94, § 923(a)(1), (2)(F), in footnote 4 to table, substituted ''Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month'' for ''Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months''.

1980—Pub. L. 96–513, § 512(10), in heading for column 1 of the table substituted ''after September 7, 1980'' for ''on or after the date of the enactment of the Department of Defense Authorization Act, 1981''.

Pub. L. 96–342 in heading for column 1 of the table inserted provisions respecting applicability to persons becoming members after the date of the enactment of the Department of Defense Authorization Act, 1981.

Pub. L. 96–513, § 502(21), in table struck out Formula A and redesignated Formulas B, C, and D as A, B, and C, respectively.

Pub. L. 96–513, § 502(22), in footnote numbered 1 to the table substituted ''3962(b)'' for ''3962(c)''.

1967—Pub. L. 90–207 inserted '', or if the member has served as sergeant major of the Army, compute at the highest basic pay applicable to him while he so served, if such basic pay is greater'' after ''retirement'' in footnote 3 of the table.

1963—Pub. L. 88–132 substituted in column 1 of Formula A in table ''Monthly basic pay of member's retired grade'' for ''Monthly basic pay to which member would be entitled if he were on active duty in his retired grade'' and eliminated from footnote 2 to such table ''and adjust to reflect later changes in applicable permanent rates. However, if member's retired grade is determined under section 3963(a) or 3963(b), or if member has served 4 years as Chief of the Medical Service Corps, use pay to which member would be entitled if he were on active duty in his retired grade'' after ''date of retirement.''

1958—Pub. L. 85–861 substituted ''section 3962(c)'' for ''section 3962(d)'' in footnote 1, and ''3963(a)'' for ''3962(c), 3963(a)'' in footnote 2.

Formula B. Pub. L. 85–422, § 11(a)(5), substituted ''credited to him under section 1405 of this title'' for ''credited to him in determining basic pay'' in Column 2.

Formula C. Pub. L. 85–422, § 6(8), substituted ''Monthly basic pay to which member was entitled on day before he retired'' for ''Monthly basic pay to which member was entitled on date when he applied for retirement'' in Column 1.

Formula D. Pub. L. 85–422, § 6(8), substituted ''monthly basic pay to which member was entitled on day before he retired'' for ''Monthly basic pay of member's retired grade'' in Column 1.

Footnote 1. Pub. L. 85–422, § 6(1), struck out provisions which related to inapplicability of section 3962(a), and inserted provisions permitting computation at the highest rates of basic pay applicable to an officer who has served as Chief of Staff while he served in that office.

1957—Pub. L. 85–155 redesignated formulas ''B'' to ''E'' of the table as formulas ''A'' to ''D''. Former formula ''A'', which related to computation of retirement pay for persons retired under former sections 3881, 3882, and 3912 of this title, was repealed by Pub. L. 85–155.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103–337, set out as a note under section 1405 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98–94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98–94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98–94 applicable with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, see section 923(g) of Pub. L. 98–94, set out as a note under section 1174 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 502(21), (22) of Pub. L. 96–513 effective Sept. 15, 1981, and amendment by section 512(10) of Pub. L. 96–513 effective Dec. 12, 1980, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–207 effective Oct. 1, 1967, see section 7 of Pub. L. 90–207, set out as a note under section 203 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–132 effective Oct. 1, 1963, see section 14 of Pub. L. 88–132, set out as a note under section 201 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–422 effective June 1, 1958, see section 9 of Pub. L. 85–422.

Section 6, last paragraph, of Pub. L. 85–422, provided that: ''The amendments made by clauses (1)–(3), (6), (7), (8), and (9) of this section [to Formulas 1 and 2 and footnote 4 of section 1401, Formulas C and D and footnote 1 of this section, sections 5083, 5201, and 6326, and Formulas C and D and footnote 1 of section 8991 of this title] do not apply to any person who is retired, or to whom retired pay (including temporary disability retired pay) is granted, before the effective date of this Act [June 1, 1958].''

COMPUTATION OF RETIRED PAY FOR CERTAIN ENLISTED MEMBERS RETIRED PRIOR TO JUNE 1, 1958

Pub. L. 87–537, July 18, 1962, 76 Stat. 168, provided that members retired prior to June 1, 1958, pursuant to section 4 of Armed Forces Voluntary Recruitment Act of 1945, as amended by section 6(a) of the Act of Aug. 10, 1946 (60 Stat. 995), may include active service performed to date of retirement as creditable service in computation of basic pay upon which retired pay is based.

RECOMPUTATION OF RETIRED PAY OF GENERALS AND LIEUTENANT GENERALS

Officers entitled to retired pay on May 31, 1958, who served on active duty before that day in the grade of general or lieutenant general for a period of at least 180 days, authorized to recompute retired pay, see section 7(b), (c) of Pub. L. 85–422, May 20, 1958, 72 Stat. 130.

§ 3992. Recomputation of retired pay to reflect advancement on retired list

(a) ENTITLEMENT TO RECOMPUTATION.—An enlisted member or warrant officer of the Army who is advanced on the retired list under section 3964 of this title is entitled to recompute his retired pay in accordance with this section.

(b) FORMULA.—The monthly retired pay of a member entitled to recompute that pay under this section is computed by multiplying—

(1) the member's retired pay base (as computed under section 1406(c) or 1407 of this title), by

(2) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

(c) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (b), if not a multiple of $1, shall be rounded to the next lower multiple of $1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 233; Pub. L. 96–342, title VIII, § 813(c), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96–513, title V, § 512(10), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 97–295, § 1(40), Oct. 12, 1982, 96 Stat. 1297; Pub. L. 98–94, title IX, §§ 922(a)(8),

923(a)(1), (2)(G), Sept. 24, 1983, 97 Stat. 641–643; Pub. L. 99–348, title II, § 202(b), July 1, 1986, 100 Stat. 695; Pub. L. 103–337, div. A, title VI, § 635(a)(3), Oct. 5, 1994, 108 Stat. 2788.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3992	10:594 (last 39 words of 1st proviso). 10:1004 (30 words before proviso).	Aug. 21, 1941, ch. 384, § 5 (last 39 words of 1st proviso); restated June 29, 1948, ch. 708, § 203(c) (last 39 words of 1st proviso), 62 Stat. 1085; May 29, 1954, ch. 249, § 19(f), 68 Stat. 167. June 29, 1948, ch. 708, § 203(e) (30 words before proviso), 62 Stat. 1086.

The words ''basic pay as the case may be'' are inserted to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words ''at the rate prescribed by law for his length of service'', in 10:1004, are omitted as covered by the words ''base and longevity pay''. The words ''base and longevity pay'' are retained to cover the cases of members retired before the enactment of the Career Compensation Act of 1949, and advanced on the retired list after the enactment of that act. The words ''and disregard a part of a year that is less than six months'' are inserted to conform to footnote 4 of section 3991 of this title.

1982 ACT

This amends 10:3992 to correct an inadvertent error in the codification of title 10 in 1956 relating to retirement pay of warrant officers advanced on the retired list. For further details, see the explanation for amendment of 10:1405 made by section 1(17).

AMENDMENTS

1994—Pub. L. 103–337 amended section generally. Prior to amendment, section contained table with two formulas for recomputing retired pay of enlisted members and warrant officers of Army to reflect advancement on retired list.

1986—Pub. L. 99–348 revised table generally by striking out provision in column 1 that for a person who first became a member of a uniformed service, as defined in section 1407(a)(2), after Sept. 7, 1980, one multiplier is the monthly retired pay base as computed under section 1407(c), substituting in formulas A and B provision that the retired pay base as computed under section 1406(c) or 1407 of this title be multiplied by the retired pay multiplier prescribed in section 1409 of this title for the number of years credited for provisions that the monthly basic pay or base and longevity pay, as the case may be, subject to footnote 1, of the grade to which the member is advanced on the retired list be multiplied by 2½% of years of service credited, subject to footnote 2, and have subtracted from it the excess over 75% of pay upon which the computation is based, struck out footnote 1, which provided that the computation be at the rate applicable on the date of retirement, and redesignated footnote 2 as 1 and substituted ''In determining retired pay multiplier'' for ''Before applying percentage factor'' and ''1/12'' for ''one-twelfth''.

1983—Pub. L. 98–94, § 922(a)(8), inserted ''The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.''

Pub. L. 98–94, § 923(a)(1), (2)(G), in footnote 2 of table, substituted ''Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month'' for ''Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months''.

1982—Pub. L. 97–295 added formula B, applicable to warrant officers.

1980—Pub. L. 96–513 in heading for column 1 of table substituted ''after September 7, 1980'' for ''on or after the date of the enactment of the Department of Defense Authorization Act, 1981''.

Pub. L. 96–342 in heading for column 1 of table inserted provisions respecting applicability to persons becoming members after the date of the enactment of the Department of Defense Authorization Act, 1981.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103–337, set out as a note under section 1405 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98–94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98–94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98–94 applicable with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, and (2) the recomputation of retired pay under this section, of any individual who after Sept. 30, 1983, becomes entitled to recompute retired pay under this section, see section 923(g) of Pub. L. 98–94, set out as a note under section 1174 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

CHAPTER 373—CIVILIAN EMPLOYEES

Sec.
4021. Army War College and United States Army Command and General Staff College: civilian faculty members.
[4022, 4023. Repealed.]
4024. Expert accountant for Inspector General.
4025. Production of supplies and munitions: hours and pay of laborers and mechanics.
4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.

AMENDMENTS

2000—Pub. L. 106–398, § 1 [[div. A], title V, § 554(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–126, added item 4027.

1989—Pub. L. 101–189, div. A, title XI, § 1124(b)(2), Nov. 29, 1989, 103 Stat. 1559, added item 4021.

1983—Pub. L. 98–94, title IX, § 932(b)(2), Sept. 24, 1983, 97 Stat. 650, struck out item 4022 ''Contract surgeons''.

1962—Pub. L. 87–651, title I, § 116(2), Sept. 7, 1962, 76 Stat. 513, struck out item 4023 ''Service club and library services''.

1958—Pub. L. 85–861, § 1(102), Sept. 2, 1958, 72 Stat. 1489, struck out item 4021 ''Appointment: professional and scientific services''.

§ 4021. Army War College and United States Army Command and General Staff College: civilian faculty members

(a) AUTHORITY OF SECRETARY.—The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College as the Secretary considers necessary.

(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College after the end of the 90-day period beginning on November 29, 1989.

(2) This section shall not apply with respect to professors, instructors, and lecturers employed at the Army War College or the United States Army Command and General Staff College if the duration of the principal course of instruction offered at the college involved is less than 10 months.

(Added Pub. L. 101–189, div. A, title XI, § 1124(b)(1), Nov. 29, 1989, 103 Stat. 1558; amended Pub. L. 107–107, div. A, title X, § 1048(c)(12), Dec. 28, 2001, 115 Stat. 1226.)

PRIOR PROVISIONS

A prior section 4021, act Aug. 10, 1956, ch. 1041, 70A Stat. 233, related to appointments in professional and scientific service, prior to repeal by Pub. L. 85–861, § 36B(11), Sept. 2, 1958, 72 Stat. 1570.

AMENDMENTS

2001—Subsec. (c)(1). Pub. L. 107–107 substituted ''November 29, 1989'' for ''the date of the enactment of this section''.

[§ 4022. Repealed. Pub. L. 98–94, title IX, § 932(b)(1), Sept. 24, 1983, 97 Stat. 650]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 233, related to employment of contract surgeons in an emergency. See section 1091 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1983, but with contracts entered into under the authority of this section before Oct. 1, 1983, which are in effect on Oct. 1, 1983, to remain in effect in accordance with the terms of such contracts, see section 932(f) of Pub. L. 98–94, set out as an Effective Date note under section 1091 of this title.

[§ 4023. Repealed. Pub. L. 87–651, title I, § 116(1), Sept. 7, 1962, 76 Stat. 513]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 233, related to employment of civilians in service club and library services.

§ 4024. Expert accountant for Inspector General

The Secretary of the Army shall appoint an expert accountant to perform duties under the Inspector General.

(Aug. 10, 1956, ch. 1041, 70A Stat. 234.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4024	10:52.	Feb. 24, 1891, ch. 284 (7th clause under ''Miscellaneous''), 26 Stat. 773.

The words ''in case of vacancy'' are omitted as surplusage.

§ 4025. Production of supplies and munitions: hours and pay of laborers and mechanics

During a national emergency declared by the President, the regular working hours of laborers and mechanics of the Department of the Army producing military supplies or munitions are 8 hours a day or 40 hours a week. However, under regulations prescribed by the Secretary of the Army these hours may be exceeded. Each laborer or mechanic who works more than 40 hours in a workweek shall be paid at a rate not less than one and one-half times the regular hourly rate for each hour in excess of 40.

(Aug. 10, 1956, ch. 1041, 70A Stat. 234.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4025	5:189a.	July 2, 1940, ch. 508, § 4(b), 54 Stat. 714.

The words ''Notwithstanding the provisions of any other law'' are omitted as surplusage. The word ''producing'' is substituted for the words ''who are engaged in the manufacture or production''. The last sentence is substituted for 5:189a (last 34 words).

§ 4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests

(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.

(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.

(Added Pub. L. 106–398, § 1 [[div. A], title V, § 554(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–126.)

CHAPTER 375—MISCELLANEOUS INVESTIGATION REQUIREMENTS AND OTHER DUTIES

Sec.
4061. Fatality reviews.

§ 4061. Fatality reviews

(a) REVIEW OF FATALITIES.—The Secretary of the Army shall conduct a multidisciplinary, impartial review (referred to as a ''fatality review'') in the case of each fatality known or sus-

pected to have resulted from domestic violence or child abuse against any of the following:

(1) A member of the Army on active duty.

(2) A current or former dependent of a member of the Army on active duty.

(3) A current or former intimate partner who has a child in common or has shared a common domicile with a member of the Army on active duty.

(b) MATTERS TO BE INCLUDED.—The report of a fatality review under subsection (a) shall, at a minimum, include the following:

(1) An executive summary.

(2) Data setting forth victim demographics, injuries, autopsy findings, homicide or suicide methods, weapons, police information, assailant demographics, and household and family information.

(3) Legal disposition.

(4) System intervention and failures, if any, within the Department of Defense.

(5) A discussion of significant findings.

(6) Recommendations for systemic changes, if any, within the Department of the Army and the Department of Defense.

(c) OSD GUIDANCE.—The Secretary of Defense shall prescribe guidance, which shall be uniform for the military departments, for the conduct of reviews by the Secretary under subsection (a).

(Added Pub. L. 108–136, div. A, title V, § 576(a)(1), Nov. 24, 2003, 117 Stat. 1486.)

EFFECTIVE DATE

Pub. L. 108–136, div. A, title V, § 576(d), Nov. 24, 2003, 117 Stat. 1488, provided that: ''Sections 4061, 6036, and 9061 of title 10, United States Code, as added by this section, apply with respect to fatalities that occur on or after the date of the enactment of this Act [Nov. 24, 2003].''

PART III—TRAINING

Chap.		Sec.
401.	Training Generally	4301
403.	United States Military Academy	4331
[405.	Repealed.]	
407.	Schools and Camps	4411

AMENDMENTS

1964—Pub. L. 88–647, title III, § 301(11), Oct. 13, 1964, 78 Stat. 1072, struck out item for chapter 405 ''Reserve Officers' Training Corps''.

CHAPTER 401—TRAINING GENERALLY

Sec.
4301. Members of Army: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.
4302. Enlisted members of Army: schools.
4303. Army Ranger training: instructor staffing; safety.
4306. Service schools: leaves of absence for instructors.
[4307, 4308. Repealed.]
4309. Rifle ranges: availability for use by members and civilians.
[4310 to 4313. Repealed.]
4314. Degree granting authority for United States Army Command and General Staff College.
4315. The Judge Advocate General's School: master of laws in military law.
4316. Reporting requirements.
4317. Military history fellowships.
4318. Drill sergeant trainees: human relations training.
4319. Recruit basic training: separate housing for male and female recruits.
4320. Recruit basic training: privacy.
4321. Degree granting authority for United States Army War College.

AMENDMENTS

2008—Pub. L. 110–417, [div. A], title V, § 543(c)(2), (d)(2), Oct. 14, 2008, 122 Stat. 4459, 4460, added items 4314 and 4321 and struck out former items 4314 ''United States Army Command and General Staff College degree'' and 4321 ''United States Army War College: master of strategic studies degree''.

1999—Pub. L. 106–65, div. A, title V, § 542(b), Oct. 5, 1999, 113 Stat. 607, added item 4321.

1998—Pub. L. 105–261, div. A, title V, §§ 521(a)(2), 522(a)(2), Oct. 17, 1998, 112 Stat. 2010, 2012, added items 4319 and 4320.

Pub. L. 105–225, § 6(b), Aug. 12, 1998, 112 Stat. 1499, repealed items 4312 ''National rifle and pistol matches: small-arms firing school'' and 4313 ''National Matches and small-arms school: expenses''.

1997—Pub. L. 105–85, div. A, title V, § 557(a)(2), Nov. 18, 1997, 111 Stat. 1750, added item 4318.

1996—Pub. L. 104–106, div. A, title V, § 562(a)(2), title XVI, § 1624(a)(2), Feb. 10, 1996, 110 Stat. 324, 522, added item 4303 and struck out items 4307 ''Director of civilian marksmanship: detail'', 4308 ''Promotion of civilian marksmanship: authority of the Secretary of the Army'', 4310 ''Rifle instruction: detail of members of Army'', and 4311 ''Rifle instruction: issue of rifles and ammunition''.

1993—Pub. L. 103–35, title II, § 201(b)(2)(B), (g)(10)(B), May 31, 1993, 107 Stat. 98, 100, substituted ''National Matches and small-arms school'' for ''Promotion of civilian marksmanship'' in item 4313, struck out item 4316 ''Military history fellowships'', and added item 4317.

1992—Pub. L. 102–484, div. A, title III, § 380(a)(2), (b)(2), (d)(2), title X, § 1076(b), Oct. 23, 1992, 106 Stat. 2390, 2391, 2512, added items 4308 and 4309 and struck out former items 4308 and 4309, resulting in no change in item 4308 and in substituting ''availability'' for ''available'' in item 4309, and added two items 4316.

Pub. L. 102–484, div. A, title III, § 380(c)(2), Oct. 23, 1992, 106 Stat. 2391, which directed amendment of item 4313 by striking out ''rifle'', could not be executed because the word did not appear subsequent to amendment by Pub. L. 101–510. See 1990 Amendment note below.

1990—Pub. L. 101–510, div. A, title III, § 328(g)(2), Nov. 5, 1990, 104 Stat. 1534, added items 4308, 4309, and 4313 and struck out former items 4308 ''Civilian rifle ranges: establishment; instruction'', 4309 ''Rifle ranges: recommendations to Congress; regulations'', and 4313 ''National rifle matches and small-arms school: expenses''.

1987—Pub. L. 100–180, div. A, title V, § 504(b), Dec. 4, 1987, 101 Stat. 1086, added item 4315.

1974—Pub. L. 93–365, title VII, § 708(a)(2), Aug. 5, 1974, 88 Stat. 407, added item 4314.

§ 4301. Members of Army: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals

(a) The Secretary of the Army may detail members of the Army as students at such technical, professional, and other civilian educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places, as are best suited to enable them to acquire knowledge or experience in the specialties in which it is considered necessary that they perfect themselves.

(b) An officer, other than one of the Regular Army on the active-duty list, who is detailed

under subsection (a) shall be ordered to additional active duty immediately upon termination of the detail, for a period at least as long as the detail. However, if the detail is for 90 days or less, the officer may be ordered to that additional duty only with his consent and in the discretion of the Secretary.

(c) No Reserve of the Army may be detailed as a student, observer, or investigator, or ordered to active duty under this section, without his consent and, if a member of the Army National Guard of the United States, without the approval of the governor or other appropriate authority of the State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands of whose Army National Guard he is a member.

(d) The Secretary may require, as a condition of a detail under subsection (a), that an enlisted member accept a discharge and be reenlisted in his component for at least three years.

(e) The total length of details of an enlisted member of the Army under subsection (a) during one enlistment may not exceed 50 percent of that enlistment.

(f) At no time may more than 8 percent of the authorized strength in commissioned officers, 8 percent of the authorized strength in warrant officers, or 2 percent of the authorized strength in enlisted members, of the Regular Army, or more than 8 percent of the actual strength in commissioned officers, 8 percent of the actual strength in warrant officers, or 2 percent of the actual strength in enlisted members, of the total of reserve components of the Army, be detailed as students under subsection (a). For the purposes of this subsection, the actual strength of each category of Reserves includes both members on active duty and those not on active duty.

(g) Expenses incident to the detail of members under this section shall be paid from any funds appropriated for the Department of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 234; Pub. L. 93–169, Nov. 29, 1973, 87 Stat. 689; Pub. L. 96–513, title V, § 502(23), Dec. 12, 1980, 94 Stat. 2910; Pub. L. 100–456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109–163, div. A, title X, § 1057(a)(9), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4301(a)	10:535 (1st 75 words).	June 3, 1916, ch. 134, § 127a (13th par.); added June 4, 1920, ch. 227, subch. I, § 51 (13th par.); restated June 8, 1926, ch. 495; May 13, 1941, ch. 113; June 30, 1941, ch. 262 (4th proviso under ''Finance Department''); restated June 19, 1948, ch. 501, § 1, 62 Stat. 477. June 19, 1948, ch. 501, § 2, 62 Stat. 478.
4301(b)	10:535 (less 1st 75 words, and less provisos).	
4301(c)	10:535 (1st proviso).	
4301(d)	10:535 (words of 2d proviso before semicolon).	
4301(e)	10:535 (words of 2d proviso after semicolon).	
4301(f)	10:535 (last proviso).	
4301(g)	10:535a.	

In subsection (a), the words ''members of the Army'' are substituted for the words ''personnel of the Army of the United States, without regard to component''.

In subsection (b), the words ''is detailed under subsection (a)'' are substituted for the words ''receives such instruction''. The words ''as long as the detail'' are substituted for the words ''equal to the duration of his period of instruction''. The words ''However, if the detail is for'' are substituted for the words ''except that where the duration of such training is''. The words ''other than one of the Regular Army on the active list'' are inserted, since members of the Regular Army on the active list are on continuous active duty. The word ''additional'' is inserted, since the detail under this section is active duty. The words ''the officer may be ordered to that additional duty'' are substituted for the words ''such subsequent active duty may the officer concerned''.

In subsection (c), the words ''of whose Army National Guard he is a member'' are substituted for the words ''whichever is concerned''.

In subsection (d), the words ''as a condition of a detail under subsection (a)'' are substituted for the words ''prior to his detail pursuant to the provisions of this paragraph''. The words ''accept a discharge'' are substituted for the words ''be discharged''.

In subsection (e), the words ''during one enlistment'' are inserted for clarity.

In subsection (f), the last sentence is substituted for 10:535 (words within parentheses of last proviso).

In subsection (g), the words ''under this section'' are substituted for 10:535a (9th through 41st words).

AMENDMENTS

2006—Subsec. (c). Pub. L. 109–163 substituted ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'' for ''State or Territory, Puerto Rico, or the District of Columbia''.

1988—Subsec. (c). Pub. L. 100–456 struck out ''the Canal Zone,'' after ''Puerto Rico,''.

1980—Subsec. (b). Pub. L. 96–513 substituted ''active-duty list'' for ''active list'' in first sentence.

1973—Subsec. (b). Pub. L. 93–169 struck out provisions which limited to four years the maximum period for which an officer detailed for additional active duty upon termination of detail is required to serve.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

DETAIL OF PERSONNEL OF ALL COMPONENTS OF ARMY DURING WORLD WAR II

Act Feb. 6, 1942, ch. 40, 56 Stat. 50, as amended by act Mar. 6, 1943, ch. 13, 57 Stat. 14, provided for the detail of all components of the Army during World War II.

§ 4302. Enlisted members of Army: schools

(a) So far as consistent with the requirements of military training and service, and under regulations to be prescribed by the Secretary of the Army with the approval of the President, enlisted members of the Army shall be permitted to study and receive instruction to increase their military efficiency and to enable them to return to civilian life better equipped for industrial, commercial, and business occupations. Part of this instruction may be vocational education in agriculture or the mechanic arts. Civilian teachers may be employed to aid Army officers in this instruction.

(b) Schools for the instruction of enlisted members of the Army in the common branches of education, including United States history shall be maintained at all posts at which members of the Army are stationed. The Secretary may detail members of the Army to carry out this subsection. The commander of each post where schools are maintained under this subsection shall provide a suitable room or building for school and religious purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 235.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4302(a)	10:1176.	June 3, 1916, ch. 134, § 27 (last par.), 39 Stat. 186.
4302(b)	10:1172.	R.S. 1231.

In subsection (a), the first 12 words are substituted for 10:1176 (1st 5, and last 18, words). The words ''and the Secretary of the Army shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered'' are omitted as surplusage.

In subsection (b), the words ''garrisons, and permanent camps'' are omitted as covered by the word ''posts''. The word ''including'' is substituted for the words ''and especially in''. The word ''members'' is substituted for the words ''officers and enlisted men''. The words ''as may be necessary'', ''It be the duty'', and ''or garrison'' are omitted as surplusage.

DELEGATION OF FUNCTIONS

Function of the President under subsec. (a) of this section delegated to the Secretary of Defense, see section 1(6) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 4303. Army Ranger training: instructor staffing; safety

(a) LEVELS OF PERSONNEL ASSIGNED.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Ranger Training Brigade (or other organizational element of the Army primarily responsible for Ranger student training) are not less than 90 percent of the required manning spaces for officers, and for enlisted members, respectively, for that brigade.

(2) In this subsection, the term ''required manning spaces'' means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.

(b) TRAINING SAFETY CELLS.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a ''safety cell'' as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate and other conditions and the potential effect on those conditions on Ranger student training and safety.

(2) Members of each safety cell shall be assigned in sufficient numbers to serve as advisers to the officers in charge of the major phase of Ranger training and shall assist those officers in making informed daily ''go'' and ''no-go'' decisions regarding training in light of all relevant conditions, including conditions of terrain, weather, water, and climate and other conditions.

(Added Pub. L. 104–106, div. A, title V, § 562(a)(1), Feb. 10, 1996, 110 Stat. 323.)

ACCOMPLISHMENT OF REQUIRED MANNING LEVELS; GAO ASSESSMENT

Section 562(b), (c) of Pub. L. 104–106 provided that:

''(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If, as of the date of the enactment of this Act [Feb. 10, 1996], the number of officers, and the number of enlisted members, permanently assigned to the Army Ranger Training Brigade are not each at (or above) the requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), the Secretary of the Army shall—

''(A) take such steps as necessary to accomplish that requirement within 12 months after such date of enactment; and

''(B) submit to Congress, not later than 90 days after such date of enactment, a plan to achieve and maintain that requirement.

''(2) The requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), shall expire two years after the date (on or after the date of the enactment of this Act) on which the required manning levels referred to in paragraph (1) are first attained.

''(c) GAO ASSESSMENT.—(1) Not later than one year after the date of the enactment of this Act [Feb. 10, 1996], the Comptroller General shall submit to Congress a report providing a preliminary assessment of the implementation and effectiveness of all corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp, including an evaluation of the implementation of the required manning levels established by subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

''(2) At the end of the two-year period specified in subsection (b)(2), the Comptroller General shall submit to Congress a report providing a final assessment of the matters covered in the preliminary report under paragraph (1). The report shall include the Comptroller General's recommendation as to the need to continue required statutory manning levels as specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).''

§ 4306. Service schools: leaves of absence for instructors

The officer in charge of an Army service school may grant a leave of absence for the period of the suspension of the ordinary academic studies, without reduction of pay or allowances, to any officer on duty exclusively as an instructor at the school.

(Aug. 10, 1956, ch. 1041, 70A Stat. 235.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4306	10:843.	Mar. 23, 1910, ch. 115 (proviso under ''United States Service Schools''), 36 Stat. 244.

The words ''The provisions of section 1144 of this title, authorizing leaves of absence to certain officers of the Military Academy are hereby, extended to include'' are omitted as surplusage.

[§§ 4307, 4308. Repealed. Pub. L. 104–106, div. A, title XVI, § 1624(a)(1), Feb. 10, 1996, 110 Stat. 522]

Section 4307, act Aug. 10, 1956, ch. 1041, 70A Stat. 235, permitted President to detail commissioned officer of the Army or of the Marine Corps as director of civilian marksmanship.

Section 4308, acts Aug. 10, 1956, ch. 1041, 70A Stat. 236; Nov. 14, 1986, Pub. L. 99–661, div. A, title III, § 318(a), 100

Stat. 3855; Nov. 5, 1990, Pub. L. 101–510, div. A, title III, § 328(b)–(d), (g)(1), 104 Stat. 1533, 1534; Oct. 23, 1992, Pub. L. 102–484, div. A, title III, § 380(a)(1), 106 Stat. 2389; Nov. 30, 1993, Pub. L. 103–160, div. A, title III, § 372, 107 Stat. 1635, related to authority of Secretary of the Army to promote civilian marksmanship. See section 40701 et seq. of Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

EFFECTIVE DATE OF REPEAL

Repeal effective on the earlier of the date on which the Secretary of the Army submits a certification in accordance with section 5523 of [former] Title 36, Patriotic Societies and Observances, or Oct. 1, 1996, see section 1624(c) of Pub. L. 104–106, set out as an Effective Date of 1996 Amendment note under section 4316 of this title.

§ 4309. Rifle ranges: availability for use by members and civilians

(a) RANGES AVAILABLE.—All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by persons capable of bearing arms.

(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) that is located on a military installation, the Secretary concerned may establish reasonable fees for the use by civilians of that rifle range to cover the material and supply costs incurred by the armed forces to make that rifle range available to civilians.

(2) Fees collected pursuant to paragraph (1) in connection with the use of a rifle range shall be credited to the appropriation available for the operation and maintenance of that rifle range and shall be available for the operation and maintenance of that rifle range.

(3) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of the range by members of the armed forces.

(c) REGULATIONS.—Regulations to carry out this section with respect to a rifle range shall be prescribed, subject to the approval of the Secretary concerned, by the authorities controlling the rifle range.

(Aug. 10, 1956, ch. 1041, 70A Stat. 236; Pub. L. 99–145, title XIII, § 1301(b)(3)(A), Nov. 8, 1985, 99 Stat. 735; Pub. L. 101–510, div. A, title III, § 328(e), Nov. 5, 1990, 104 Stat. 1533; Pub. L. 102–484, div. A, title III, § 380(b)(1), Oct. 23, 1992, 106 Stat. 2390.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4309(a)	32:186 (1st sentence).	June 3, 1916, ch. 134, § 113 (1st 2 sentences), 39 Stat. 211.
4309(b)	32:186 (less 1st sentence).	

In subsection (a), the words ''such a comprehensive as will ultimately result in'' are omitted as surplusage.

In subsection (b), the words ''United States'' are substituted for the word ''Congress''. The words ''members of the armed forces'' are substituted for the words ''those in any branch of the military or naval service''. The words ''of the United States'' are omitted as surplusage.

AMENDMENTS

1992—Pub. L. 102–484 amended section generally. Prior to amendment section read as follows:

''(a) RANGES AVAILABLE.—(1) All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by able-bodied persons capable of bearing arms.

''(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) located on a military installation, the Secretary of the Army shall establish reasonable fees for the use by civilians of that rifle range to cover any costs incurred by the Army to make that rifle range available to civilians.

''(2) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of those ranges by members of the armed forces.

''(c) REGULATIONS.—Regulations to carry out this section shall be prescribed by the authorities controlling the rifle range, subject to the approval of the Secretary of the Army.''

1990—Pub. L. 101–510 substituted ''Rifle ranges: available for use by members and civilians'' for ''Rifle ranges: recommendations to Congress; regulations'' in section catchline and amended text generally. Prior to amendment, text read as follows:

''(a) The Secretary of the Army shall submit annually to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges under a plan to provide facilities for rifle practice in all sections of the country.

''(b) All rifle ranges established under subsection (a) and all rifle ranges already constructed, in whole or in part with funds provided by the United States, may be used by members of the armed forces and by able-bodied persons capable of bearing arms, under regulations prescribed by the authorities controlling those ranges and approved by the Secretary.''

1985—Subsec. (b). Pub. L. 99–145 substituted ''persons'' for ''males''.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 380(e) of Pub. L. 102–484 provided that:

''(1) This section [enacting section 4316 of this title and amending this section and sections 4308 and 4313 of this title] and the amendments made by this section shall take effect on the earlier of—

''(A) the date of the enactment of this Act [Oct. 23, 1992]; or

''(B) October 1, 1992.

''(2) If under paragraph (1) the amendments made by this section take effect before October 1, 1992, the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1533) shall not take effect.

''(3) If under paragraph (1) the amendments made by this section take effect on October 1, 1992, the amendments made by this section shall be considered executed immediately following the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1533).''

EFFECTIVE DATE OF 1990 AMENDMENT

Section 328(h) of Pub. L. 101–510 provided that: ''The amendments made by this section [amending this section and sections 4308, 4311, and 4313 of this title] shall take effect on October 1, 1992.''

[§§ 4310, 4311. Repealed. Pub. L. 104–106, div. A, title XVI, § 1624(a)(1), Feb. 10, 1996, 110 Stat. 522]

Section 4310, act Aug. 10, 1956, ch. 1041, 70A Stat. 236, permitted President and Secretary of the Army to detail members of Army as rifle instructors for civilians.

Section 4311, acts Aug. 10, 1956, ch. 1041, 70A Stat. 237; Nov. 5, 1990, Pub. L. 101–510, div. A, title III, § 328(f), 104 Stat. 1534, permitted Secretary of the Army to provide for issue of military rifles and sale of ammunition for use in rifle instruction for civilians.

EFFECTIVE DATE OF REPEAL

Repeal effective on the earlier of the date on which the Secretary of the Army submits a certification in

accordance with section 5523 of [former] Title 36, Patriotic Societies and Observances, or Oct. 1, 1996, see section 1624(c) of Pub. L. 104–106, set out as an Effective Date of 1996 Amendment note under section 4316 of this title.

[§§ 4312, 4313. Repealed. Pub. L. 105–225, § 6(b), Aug. 12, 1998, 112 Stat. 1499]

Section 4312, act Aug. 10, 1956, ch. 1041, 70A Stat. 237, related to National rifle and pistol matches and small-arms firing school.

Section 4313, act Aug. 10, 1956, ch. 1041, 70A Stat. 237; Pub. L. 99–145, title XIII, § 1301(b)(3)(B), Nov. 8, 1985, 99 Stat. 735; Pub. L. 99–661, div. A, title III, § 318(b), Nov. 14, 1986, 100 Stat. 3855; Pub. L. 101–510, div. A, title III, § 328(a), Nov. 5, 1990, 104 Stat. 1533; Pub. L. 102–484, div. A, title III, § 380(c)(1), Oct. 23, 1992, 106 Stat. 2391; Pub. L. 103–35, title II, § 201(g)(10)(A), May 31, 1993, 107 Stat. 100; Pub. L. 104–106, div. A, title XVI, § 1624(b)(1), Feb. 10, 1996, 110 Stat. 522, related to expenses of National Matches and small-arms school.

§ 4314. Degree granting authority for United States Army Command and General Staff College

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

(b) LIMITATION.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the United States Army Command and General Staff College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Army Command and General Staff College to award any new or existing degree.

(Added Pub. L. 93–365, title VII, § 708(a)(1), Aug. 5, 1974, 88 Stat. 407; amended Pub. L. 96–513, title V, § 512(11), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 101–510, div. A, title XIII, § 1322(a)(13), Nov. 5, 1990, 104 Stat. 1671; Pub. L. 110–417, [div. A], title V, § 543(c)(1), Oct. 14, 2008, 122 Stat. 4458.)

AMENDMENTS

2008—Pub. L. 110–417 amended section generally. Prior to amendment, text read as follows: "Under regulations prescribed by the Secretary of the Army, and with the approval of a nationally recognized civilian accrediting association approved by the Secretary of Education, the Commandant of the United States Army Command and General Staff College may upon recommendation by the faculty confer the degree of master of military art and science upon graduates of the college who have fulfilled the following degree requirements: a minimum of thirty semester hours of graduate credit, including a masters thesis of six to eight semester hours, and a demonstration of competence in the discipline of military art and science as evidenced by satisfactory performance on a general comprehensive examination. These requirements may be altered only with the approval of such association."

1990—Pub. L. 101–510 struck out at end "The Secretary of the Army shall report annually to the Committees on Armed Services of the Senate and House of Representatives the following information: (1) the criteria which must be met to entitle a student to award of the degree, (2) whether such criteria have changed in any respect during the reporting year, (3) the number of students in the most recent resident course graduating class, (4) the number of such students who were enrolled in the master of military art and science program, and (5) the number of students successfully completing the master of military art and science program."

1980—Pub. L. 96–513 substituted "Secretary of Education" for "Commissioner of Education, Department of Health, Education, and Welfare".

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–417 applicable to any degree granting authority established, modified, or redesignated on or after Oct. 14, 2008, for an institution of professional military education referred to in such amendment, see section 543(j) of Pub. L. 110–417, set out as a note under section 2161 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

RETROACTIVE DEGREE CONFERRAL; MAXIMUM AMOUNT

Section 708(b) of Pub. L. 93–365 provided that: "The Commandant of the United States Army Command and General Staff College may confer the degree of master of military art and science upon graduates of the college who have completed the requirements for that degree since 1964 but prior to the enactment of this Act [Aug. 5, 1974]; but the number of such degrees awarded for such period may not exceed two hundred."

§ 4315. The Judge Advocate General's School: master of laws in military law

Under regulations prescribed by the Secretary of the Army, the Commandant of the Judge Advocate General's School of the Army may, upon

recommendation by the faculty of such school, confer the degree of master of laws (LL.M.) in military law upon graduates of the school who have fulfilled the requirements for that degree.

(Added Pub. L. 100–180, div. A, title V, § 504(a), Dec. 4, 1987, 101 Stat. 1086.)

§ 4316. Reporting requirements

The Secretary of the Army shall biennially submit to the Congress a report that specifies the overall expenditures for programs and activities under this chapter and any progress made with respect to achieving financial self-sufficiency of the programs and activities.

(Added Pub. L. 102–484, div. A, title III, § 380(d)(1), Oct. 23, 1992, 106 Stat. 2391; amended Pub. L. 104–106, div. A, title XVI, § 1624(b)(2), Feb. 10, 1996, 110 Stat. 522.)

CODIFICATION

Another section 4316 was renumbered section 4317 of this title.

AMENDMENTS

1996—Pub. L. 104–106 struck out ‘‘, including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308,’’ after ‘‘under this chapter’’.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1624(c) of Pub. L. 104–106 provided that: ‘‘The amendments made by this section [amending this section, section 4313 of this title, and section 925 of Title 18, Crimes and Criminal Procedure, and repealing sections 4307, 4308, 4310, and 4311 of this title] shall take effect on the earlier of—

‘‘(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623 [former 36 U.S.C. 5523]; or

‘‘(2) October 1, 1996.’’

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 380(e) of Pub. L. 102–484, set out as an Effective Date of 1992 Amendment note under section 4309 of this title.

§ 4317. Military history fellowships

(a) FELLOWSHIPS.—The Secretary of the Army shall prescribe regulations under which the Secretary may award fellowships in military history of the Army to the persons described in subsection (b).

(b) ELIGIBLE PERSONS.—The persons eligible for awards of fellowships under this section are citizens and nationals of the United States who—

(1) are graduate students in United States military history;

(2) have completed all requirements for a doctoral degree other than preparation of a dissertation; and

(3) agree to prepare a dissertation in a subject area of military history determined by the Secretary.

(c) REGULATIONS.—The regulations prescribed under this section shall include—

(1) the criteria for award of fellowships;

(2) the procedures for selecting recipients;

(3) the basis for determining the amount of a fellowship; and

(4) the total amount that may be awarded as fellowships during an academic year.

(Added Pub. L. 102–484, div. A, title X, § 1076(a), Oct. 23, 1992, 106 Stat. 2511, § 4316; renumbered § 4317, Pub. L. 103–35, title II, § 201(b)(2)(A), May 31, 1993, 107 Stat. 98.)

AMENDMENTS

1993—Pub. L. 103–35 renumbered section 4316 of this title as this section.

§ 4318. Drill sergeant trainees: human relations training

(a) HUMAN RELATIONS TRAINING REQUIRED.—The Secretary of the Army shall include as part of the training program for drill sergeants a course in human relations. The course shall be a minimum of two days in duration.

(b) RESOURCES.—In developing a human relations course under this section, the Secretary shall use the capabilities and expertise of the Defense Equal Opportunity Management Institute (DEOMI).

(Added Pub. L. 105–85, div. A, title V, § 557(a)(1), Nov. 18, 1997, 111 Stat. 1750.)

EFFECTIVE DATE

Section 557(b) of Pub. L. 105–85, as amended by Pub. L. 106–65, div. A, title X, § 1066(c)(1), Oct. 5, 1999, 113 Stat. 773, provided that: ‘‘Section 4318 of title 10, United States Code, as added by subsection (a), shall apply with respect to drill sergeant trainee classes that begin after the end of the 90-day period beginning on the date of the enactment of this Act [Nov. 18, 1997].’’

REFORM OF ARMY DRILL SERGEANT SELECTION AND TRAINING PROCESS

Section 556 of Pub. L. 105–85 provided that:

‘‘(a) IN GENERAL.—The Secretary of the Army shall reform the process for selection and training of drill sergeants for the Army.

‘‘(b) MEASURES TO BE TAKEN.—As part of such reform, the Secretary shall undertake the following measures (unless, in the case of any such measure, the Secretary determines that that measure would not result in improved effectiveness and efficiency in the drill sergeant selection and training process):

‘‘(1) Review the overall process used by the Department of the Army for selection of drill sergeants to determine—

‘‘(A) whether that process is providing drill sergeant candidates in sufficient quantity and quality to meet the needs of the training system; and

‘‘(B) whether duty as a drill sergeant is a career-enhancing assignment (or is seen by potential drill sergeant candidates as a career-enhancing assignment) and what steps could be taken to ensure that such duty is in fact a career-enhancing assignment.

‘‘(2) Incorporate into the selection process for all drill sergeants the views and recommendations of the officers and senior noncommissioned officers in the chain of command of each candidate for selection (particularly those of senior noncommissioned officers) regarding the candidate’s suitability and qualifications to be a drill sergeant.

‘‘(3) Establish a requirement for psychological screening for each drill sergeant candidate.

‘‘(4) Reform the psychological screening process for drill sergeant candidates to improve the quality, depth, and rigor of that screening process.

‘‘(5) Revise the evaluation system for drill sergeants in training to provide for a so-called ‘whole person’ assessment that gives insight into the qualifications and suitability of a drill sergeant candidate beyond the candidate’s ability to accomplish required performance tasks.

‘‘(6) Revise the Army military personnel records system so that, under conditions and circumstances

to be specified in regulations prescribed by the Secretary, a drill sergeant trainee who fails to complete the training to be a drill sergeant and is denied graduation will not have the fact of that failure recorded in those personnel records.

''(7) Provide each drill sergeant in training with the opportunity, before or during that training, to work with new recruits in initial entry training and to be evaluated on that opportunity.

''(c) REPORT.—Not later than March 31, 1998, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report of the reforms adopted pursuant to this section or, in the case of any measure specified in any of paragraphs (1) through (7) of subsection (b) that was not adopted, the rationale why that measure was not adopted.''

§ 4319. Recruit basic training: separate housing for male and female recruits

(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Army shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

(b) ALTERNATIVE SEPARATE HOUSING.—If male recruits and female recruits cannot be housed as provided under subsection (a) by October 1, 2001, at a particular installation, the Secretary of the Army shall require (on and after that date) that male recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for males and that female recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for females.

(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Army shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.

(Added Pub. L. 105–261, div. A, title V, § 521(a)(1), Oct. 17, 1998, 112 Stat. 2009.)

IMPLEMENTATION

Pub. L. 105–261, div. A, title V, § 521(a)(3), Oct. 17, 1998, 112 Stat. 2010, provided that: ''The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.''

§ 4320. Recruit basic training: privacy

The Secretary of the Army shall require that access by drill sergeants and other training personnel to a living area in which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed in that living area or to superiors in the chain of command of those recruits who, if not of the same sex as the recruits housed in that living area, are accompanied by a member (other than a recruit) who is of the same sex as the recruits housed in that living area.

(Added Pub. L. 105–261, div. A, title V, § 522(a)(1), Oct. 17, 1998, 112 Stat. 2012.)

IMPLEMENTATION

Pub. L. 105–261, div. A, title V, § 522(a)(3), Oct. 17, 1998, 112 Stat. 2012, provided that: ''The Secretary of the Army shall implement section 4320 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.''

§ 4321. Degree granting authority for United States Army War College

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

(b) LIMITATION.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the United States Army War College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of

the Secretary of Education on the proposed modification or redesignation.

(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Army War College to award any new or existing degree.

(Added Pub. L. 106–65, div. A, title V, § 542(a), Oct. 5, 1999, 113 Stat. 607; amended Pub. L. 110–417, [div. A], title V, § 543(d)(1), Oct. 14, 2008, 122 Stat. 4459.)

AMENDMENTS

2008—Pub. L. 110–417 amended section generally. Prior to amendment, text read as follows: ''Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and dean of the college, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for that degree.''

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–417 applicable to any degree granting authority established, modified, or redesignated on or after Oct. 14, 2008, for an institution of professional military education referred to in such amendment, see section 543(j) of Pub. L. 110–417, set out as a note under section 2161 of this title.

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4357. Acceptance of guarantees with gifts for major projects.
4358. Grants for faculty research for scientific, literary, and educational purposes: acceptance; authorized grantees.
4359. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds.
4360. Cadets: charges and fees for attendance; limitation.
4361. Policy on sexual harassment and sexual violence.

AMENDMENTS

2008—Pub. L. 110–417, [div. A], title V, § 541(a)(2), Oct. 14, 2008, 122 Stat. 4455, added item 4345a.

2006—Pub. L. 109–364, div. A, title X, § 1071(g)(2), Oct. 17, 2006, 120 Stat. 2402, made technical correction to directory language of Pub. L. 108–375, § 544(a)(2). See 2004 Amendment note below.

Pub. L. 109–364, div. A, title V, § 532(d)(1), Oct. 17, 2006, 120 Stat. 2205, added item 4361.

2004—Pub. L. 108–375, div. A, title V, § 545(a)(2), Oct. 28, 2004, 118 Stat. 1908, added item 4360.

Pub. L. 108–375, div. A, title V, § 544(a)(2), Oct. 28, 2004, 118 Stat. 1906, as amended by Pub. L. 109–364, div. A, title X, § 1071(g)(2), Oct. 17, 2006, 120 Stat. 2402, added item 4359.

1999—Pub. L. 106–65, div. A, title V, § 532(a)(4)(B), div. B, title XXVIII, § 2871(a)(2), Oct. 5, 1999, 113 Stat. 603, 873, added items 4333a and 4357.

1998—Pub. L. 105–261, div. A, title X, § 1063(a)(2), Oct. 17, 1998, 112 Stat. 2130, added item 4358.

1997—Pub. L. 105–85, div. A, title V, § 542(a)(2), Nov. 18, 1997, 111 Stat. 1741, added item 4345.

1996—Pub. L. 104–106, div. A, title V, § 533(a)(2), Feb. 10, 1996, 110 Stat. 315, struck out item 4357 ''Athletics program: athletic director; nonappropriated fund account''.

1994—Pub. L. 103–337, div. A, title V, § 556(a)(2), Oct. 5, 1994, 108 Stat. 2774, added item 4357.

1993—Pub. L. 103–160, div. A, title V, § 533(a)(2), Nov. 30, 1993, 107 Stat. 1658, added item 4338.

1983—Pub. L. 98–94, title X, § 1004(a)(3), Sept. 24, 1983, 97 Stat. 658, substituted ''from foreign countries'' for ''from Canada and American Republics'' in item 4344, and struck out item 4345 ''Selection of Filipinos''.

1982—Pub. L. 97–295, § 1(41)(B), Oct. 12, 1982, 96 Stat. 1298, added item 4356.

1981—Pub. L. 97–60, title II, § 203(a)(2)(B), Oct. 14, 1981, 95 Stat. 1006, added item 4341a.

1978—Pub. L. 95–551, § 4(b), Oct. 30, 1978, 92 Stat. 2069, substituted ''Establishment; Superintendent; faculty'' for ''Superintendent; faculty; adjutant; chaplain'' in item 4331, ''director of admissions'' for ''registrar'' in item 4336, and struck out item 4338 ''Director of music''.

1968—Pub. L. 90–623, § 2(7), Oct. 22, 1968, 82 Stat. 1314, struck out item 4339 ''Organist and choirmaster; civilian instructors in departments of foreign languages and tactics: quarters, fuel, and light''.

1958—Pub. L. 85–600, § 1(12), Aug. 6, 1958, 72 Stat. 523, inserted '', registrar'' in item 4336.

§ 4331. Establishment; Superintendent; faculty

(a) There is in the Department of the Army a United States Military Academy, at West Point, New York (hereinafter in this chapter referred to as the ''Academy''), for the instruction and preparation for military service of selected persons called ''cadets''. The organization of the Academy shall be prescribed by the Secretary of the Army.

(b) There shall be at the Academy the following:

(1) A Superintendent.

(2) A Dean of the Academic Board, who is a permanent professor.

(3) A Commandant of Cadets.
(4) Twenty-eight permanent professors.
(5) A chaplain.
(6) A director of admissions.

(Aug. 10, 1956, ch. 1041, 70A Stat. 238; Pub. L. 85–600, § 1(8), Aug. 6, 1958, 72 Stat. 522; Pub. L. 85–723, Aug. 21, 1958, 72 Stat. 711; Pub. L. 95–551, § 1, Oct. 30, 1978, 92 Stat. 2069; Pub. L. 96–513, title V, § 512(12), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 102–484, div. A, title V, § 523(a), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 103–160, div. A, title V, § 533(a)(3), Nov. 30, 1993, 107 Stat. 1658; Pub. L. 110–181, div. A, title V, § 507, Jan. 28, 2008, 122 Stat. 96.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4331(a)	10:1061. 10:1071. 10:1077. 10:1077a. 10:1078a. 10:1087 (less proviso). 10:1088. 10:1089 (1st 20 words).	R.S. 1309; Feb. 18, 1896, ch. 22 (less proviso), 29 Stat. 8. June 23, 1879, ch. 35, § 4 (less last 30 words), 21 Stat. 34. June 8, 1926, ch. 492 (1st par., less 1st proviso), 44 Stat. 703.
4331(b)	10:1073.	Apr. 19, 1910, ch. 174 (1st and 2d provisos under ''Permanent Establishment''), 36 Stat. 312; June 8, 1926, ch. 492 (1st proviso of 1st par.), 44 Stat. 703. Apr. 19, 1910, ch. 174 (8th par. under ''Permanent Establishment''), 36 Stat. 312. May 26, 1934, ch. 353, 48 Stat. 806. June 26, 1946, ch. 495, §§ 1 (less proviso), 2, 3 (1st 20 words), 60 Stat. 312.

In subsection (a), reference to the senior instructors of artillery, cavalry, and infantry, and the master of the sword, in 10:1061, are omitted as obsolete. The duties of the former master of the sword are presently performed by the director of physical education, detailed to that duty by the superintendent of the Academy from officers assigned to duty at that installation by the Secretary under section 3012(e) of this title. The words ''and one assistant professor'', in 10:1061, are omitted as superseded by section 4333 of this title. The words ''shall be constituted'' are omitted as surplusage. The Act of June 8, 1926, ch. 492 (last proviso of 1st par.), 44 Stat. 703, is not contained in 10:1077a. It is also omitted from the revised section as executed.

The word ''permanent'' is inserted in subsection (a)(4), pursuant to 10:1087, which, by adding one permanent professor for each of the subjects of instruction named in clauses (A)–(I), inclusive, implies that there already was a permanent professor for each of those subjects. The subjects of instruction set forth in clauses (A)–(I), inclusive, are those for which a professor was authorized before the enactment of the source statute for 10:1087. The names of the subjects to be taught at the Academy are changed, where necessary, to conform to the names of those presently taught, pursuant to regulations and orders issued under the general authority for the change of titles of departments of instruction, contained in section 4332 of this title. These changes, published in general orders by authority of the Secretary of War and the Secretary of the Army, are as follows:

In clause (4)(A), the word ''Electricity'' is substituted for the words ''chemistry, mineralogy, and geology'', in 10:1061, pursuant to General Orders 38, Hq USMA, 29 June 1946.

In clause (4)(C), the word ''Foreign'' is substituted for the word ''modern'', in 10:1071, pursuant to General Orders No. 6, Hq USMA, 14 February 1949. The Act of June 23, 1879, ch. 35, § 4 (1st 47 words) is not contained in 10:1071. It is also omitted from the revised section as executed.

In clause (4)(E), the word ''Mechanics'' is substituted for the words ''natural and experimental philosophy'', in 10:1061, pursuant to General Orders No. 3, Hq USMA, 11 February 1943.

In clause (4)(F), the words ''Military Art and Engineering'' are substituted for the words ''civil and military engineering'', in 10:1061, pursuant to General Orders No. 3, Hq USMA, 11 February 1943.

In clause (4)(G), the words ''Military Topography and Graphics'' are substituted for the word ''drawing'', in 10:1061, pursuant to General Orders No. 3, Hq USMA, 11 February 1943.

In clause (4)(H), the words ''Physics and Chemistry'' are substituted for the word ''physics'', in 10:1078a, pursuant to General Orders No. 38, Hq USMA, 29 June 1946.

In clause (4)(I), the words ''Social Sciences'' are substituted for the words ''economics, government, and history'', in 10:1077a, pursuant to General Orders No. 13, Hq USMA, 22 April 1947.

In clause (4)(B) and (I), the provisions of 10:1077 and 1077a relating to the appointment of a civilian in the department of English, and a professor of economics, government, and history, by the President, by and with the advice and consent of the Senate, are omitted as executed. The provisions of 10:1077a relating to the establishment of a Department of Economics, Government, and History are omitted as executed.

Subsection (a)(8) is inserted to complete the listing of the appointed officials of the Academy.

In subsection (a)(9), the word ''director'' is substituted for the word ''teacher'' to conform to section 4338 of this title.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110–181 amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''Twenty-two permanent professors.''

1993—Subsec. (c). Pub. L. 103–160 struck out subsec. (c) which read as follows:

''(1) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

''(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

''(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Army to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.''

1992—Subsec. (c). Pub. L. 102–484 added subsec. (c).

1980—Pub. L. 96–513 substituted ''New York (hereinafter in this chapter referred to as the 'Academy')'' for ''New York, in this chapter called the 'Academy' ''.

1978—Pub. L. 95–551 substituted ''Establishment; Superintendent; faculty'' for ''Superintendent; faculty; adjutant; chaplain'' in section catchline.

Subsec. (a). Pub. L. 95–551 substituted provision establishing in the Department of the Army a Military Academy located at West Point, New York, for instruction and preparation of cadets for military service and providing that the organization of the Academy be prescribed by the Secretary of the Army for provision describing the faculty of the Academy as consisting of a Superintendent, a Dean of the Academic Board, a Commandant of Cadets, two permanent professors in each of nine enumerated academic fields, one permanent professor in each of the fields of Law, Ordnance, and Physical education, a professor of Military Hygiene, an adjutant, a registrar, a chaplain, and a director of music.

Subsec. (b). Pub. L. 95–551 substituted provision describing the faculty of the Academy as consisting of a Superintendent, a Dean of the Academic Board, a Commandant of Cadets, twenty-two permanent professors, a chaplain, and a director of admissions for provision making an officer, upon becoming the senior commissioned officer of the Medical Corps on active duty at the Academy, the professor of Military Hygiene.

1958—Subsec. (a)(5). Pub. L. 85–723 authorized a permanent professor of physical education.

Subsec. (a)(8) to (10). Pub. L. 85–600 added par. (8) and redesignated existing pars. (8) and (9) as (9) and (10), respectively.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES

Pub. L. 109–163, div. A, title V, § 598, Jan. 6, 2006, 119 Stat. 3283, provided that:

''(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to the United States Constitution and such limitations as the Secretary of Defense may prescribe.

''(b) SERVICE ACADEMIES.—For purposes of this section, the term 'service academy' means any of the following:

''(1) The United States Military Academy.

''(2) The United States Naval Academy.

''(3) The United States Air Force Academy.''

SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES

Pub. L. 108–375, div. A, title V, § 576, Oct. 28, 2004, 118 Stat. 1924, as amended by Pub. L. 111–84, div. A, title V, § 566, Oct. 28, 2009, 123 Stat. 2313, provided that:

''(a) EXTENSION OF TASK FORCE.—(1) The task force in the Department of Defense established by the Secretary of Defense pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1466) [set out below] to examine matters relating to sexual harassment and violence at the United States Military Academy and United States Naval Academy shall continue in existence for a period of at least 18 months after the date as of which the task force would otherwise be terminated pursuant to subsection (i) of that section.

''(2) Upon the completion of the functions of the task force referred to in paragraph (1) pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004, the name of the task force shall be changed to the Defense Task Force on Sexual Assault in the Military Services, and the task force shall then carry out the functions specified in this section. The task force shall not begin to carry out the functions specified in this section until it has completed its functions under such section 526.

''(3) Before the task force extended under this subsection begins to carry out the functions specified in this section, the Secretary of Defense may, consistent with the qualifications required by section 526(f) of Public Law 108–136, change the composition of the task force as the Secretary considers appropriate for the effective performance of such functions, except that—

''(A) any change initiated by the Secretary in the membership of the task force under this paragraph may not take effect before the task force has completed its functions under section 526 of Public Law 108–136; and

''(B) the total number of members of the task force may not exceed 14.

''(b) EXAMINATION OF MATTERS RELATING TO SEXUAL ASSAULT IN THE ARMED FORCES.—The task force shall conduct an examination of matters relating to sexual assault in cases in which members of the Armed Forces are either victims or commit acts of sexual assault.

''(c) RECOMMENDATIONS.—The Task Force shall include in its report under subsection (e) recommendations of ways by which civilian officials within the Department of Defense and leadership within the Armed Forces may more effectively address matters relating to sexual assault. That report shall include an assessment of, and recommendations (including any recommendations for changes in law) for measures to improve, with respect to sexual assault, the following:

''(1) Victim care and advocacy programs.

''(2) Effective prevention.

''(3) Collaboration among military investigative organizations with responsibility or jurisdiction.

''(4) Coordination and resource sharing between military and civilian communities, including local support organizations.

''(5) Reporting procedures, data collection, tracking of cases, and use of data on sexual assault by senior military and civilian leaders.

''(6) Oversight of sexual assault programs, including development of measures of the effectiveness of those programs in responding to victim needs.

''(7) Military justice issues.

''(8) Progress in developing means to investigate and prosecute assailants who are foreign nationals.

''(9) Adequacy of resources supporting sexual assault prevention and victim advocacy programs, particularly for deployed units and personnel.

''(10) Training of military and civilian personnel responsible for implementation of sexual assault policies.

''(11) Programs and policies, including those related to confidentiality, designed to encourage victims to seek services and report offenses.

''(12) Other issues identified by the task force relating to sexual assault.

''(d) METHODOLOGY.—In carrying out its examination under subsection (b) and in formulating its recommendations under subsection (c), the task force shall consider the findings and recommendations of previous reviews and investigations of sexual assault conducted by the Department of Defense and the Armed Forces.

''(e) REPORT.—(1) Not later than December 1, 2009, the task force shall submit to the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force a report on the activities of the task force and on the activities of the Department of Defense and the Armed Forces to respond to sexual assault.

''(2) The report shall include the following:

''(A) A description of any barrier to implementation of improvements as a result of previous efforts to address sexual assault.

''(B) Other areas of concern not previously addressed in prior reports.

''(C) The findings and conclusions of the task force.

''(D) Any recommendations for changes to policy and law that the task force considers appropriate.

''(3) Within 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and House of Representatives.

''(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to the Committees on Armed Services of the Senate and House of Representatives pursuant to subsection (e)(3).''

Pub. L. 108–136, div. A, title V, § 526, Nov. 24, 2003, 117 Stat. 1466, provided that:

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Department of Defense task force to examine matters relating to sexual harassment and violence at the United States Military Academy and the United States Naval Academy.

''(b) RECOMMENDATIONS.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary of Defense a report recommending ways by which the Department of Defense and the Department of the Army and the Department of the Navy may more effectively address matters relating to sexual harassment and violence at the United States Military Academy and the United States Naval Academy, respectively. The report shall include an assessment of, and recommendations (including any recommended changes in law) for measures to improve, with respect to sexual

harassment and violence at those academies, the following:

''(1) Victims' safety programs.

''(2) Offender accountability.

''(3) Effective prevention of sexual harassment and violence.

''(4) Collaboration among military organizations with responsibility or jurisdiction with respect to sexual harassment and violence.

''(5) Coordination between military and civilian communities, including local support organizations, with respect to sexual harassment and violence.

''(6) Coordination between military and civilian communities, including civilian law enforcement relating to acts of sexual harassment and violence.

''(7) Data collection and case management and tracking.

''(8) Curricula and training, including standard training programs for cadets at the United States Military Academy and midshipmen at the United States Naval Academy and for permanent personnel assigned to those academies.

''(9) Responses to sexual harassment and violence at those academies, including standard guidelines.

''(10) Other issues identified by the task force relating to sexual harassment and violence at those academies.

''(c) METHODOLOGY.—The task force shall consider the findings and recommendations of previous reviews and investigations of sexual harassment and violence conducted for those academies as one of the bases for its assessment.

''(d) REPORT.—(1) The task force shall submit to the Secretary of Defense and the Secretaries of the Army and the Navy a report on the activities of the task force and on the activities of the United States Military Academy and the United States Naval Academy to respond to sexual harassment and violence at those academies.

''(2) The report shall include the following:

''(A) Any barriers to implementation of improvements as a result of those efforts.

''(B) Other areas of concern not previously addressed in prior reports.

''(C) The findings and conclusions of the task force.

''(D) Any recommendations for changes to policy and law as the task force considers appropriate, including whether cases of sexual assault at those academies should be included in the Department of Defense database known as the Defense Incident-Based Reporting System.

''(3) Within 90 days after receipt of the report under paragraph (1) the Secretary of Defense shall submit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and House of Representatives.

''(e) REPORT ON AIR FORCE ACADEMY.—Simultaneously with the submission of the report under subsection (d)(3), the Secretary of Defense, in coordination with the Secretary of the Air Force, shall submit to the committees specified in that subsection the Secretary's assessment of the effectiveness of corrective actions being taken at the United States Air Force Academy as a result of various investigations conducted at that Academy into matters involving sexual assault and harassment.

''(f) COMPOSITION.—(1) The task force shall consist of not more than 14 members, to be appointed by the Secretary of Defense. Members shall be appointed from each of the Army, Navy, Air Force, and Marine Corps, and shall include an equal number of personnel of the Department of Defense (military and civilian) and persons from outside the Department of Defense. Members appointed from outside the Department of Defense may be appointed from other Federal departments and agencies, from State and local agencies, or from the private sector.

''(2) The Secretary shall ensure that the membership of the task force appointed from the Department of Defense includes at least one judge advocate.

''(3) In appointing members to the task force, the Secretary may—

''(A) consult with the Attorney General regarding a representative from the Office of Violence Against Women of the Department of Justice; and

''(B) consult with the Secretary of Health and Human Services regarding a representative from the Women's Health office of the Department of Health and Human Services.

''(4) Each member of the task force appointed from outside the Department of Defense shall be an individual who has demonstrated expertise in the area of sexual harassment and violence or shall be appointed from one of the following:

''(A) A representative from the Office of Civil Rights of the Department of Education.

''(B) A representative from the Centers for Disease Control and Prevention of the Department of Health and Human Services.

''(C) A sexual assault policy and advocacy organization.

''(D) A civilian law enforcement agency.

''(E) A judicial policy organization.

''(F) A national crime victim policy organization.

''(5) The members of the task force shall be appointed not later than 120 days after the date of the enactment of this Act [Nov. 24, 2003].

''(g) CO-CHAIRS OF THE TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel on the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by those members.

''(h) ADMINISTRATIVE SUPPORT.—(1) Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.

''(2) The Deputy Under Secretary of Defense for Personnel and Readiness, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force. The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the task force's duties.

''(3) The Deputy Under Secretary shall coordinate with the Secretary of the Army to provide visits of the task force to the United States Military Academy and with the Secretary of the Navy to provide visits of the task force to the United States Naval Academy.

''(i) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to the Committees on Armed Services of the Senate and House of Representatives pursuant to subsection (d)(3).''

Pub. L. 108–136, div. A, title V, § 527, Nov. 24, 2003, 117 Stat. 1468, which required the Superintendent of each United States military service academy to prescribe a policy on sexual harassment and violence applicable to personnel, to make an annual assessment to determine the effectiveness of policies, training, and procedures on sexual harassment and violence, and to submit an annual report to the Secretary of Defense on sexual harassment and violence involving personnel for each of the 2004 to 2008 academy program years, was repealed by Pub. L. 109–364, div. A, title V, § 532(c), Oct. 17, 2006, 120 Stat. 2205.

PROHIBITION ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES

Pub. L. 103–337, div. A, title V, § 553, Oct. 5, 1994, 108 Stat. 2772, as amended by Pub. L. 107–314, div. A, title X, § 1041(b), Dec. 2, 2002, 116 Stat. 2646, prohibited impo-

sition of additional charges or fees for attendance at United States military service academies, prior to repeal by Pub. L. 108–375, div. A, title V, § 545(f), Oct. 28, 2004, 118 Stat. 1909.

TEST PROGRAM TO EVALUATE USE OF PRIVATE PREPARATORY SCHOOLS FOR SERVICE ACADEMY PREPARATORY SCHOOL MISSION

Section 536 of Pub. L. 103–160 required Secretary of Defense to conduct test program to determine efficiency and cost effectiveness of using schools in private sector as alternative to existing schools used for mission of operating military preparatory school program for one or more of the service academies, prior to repeal by Pub. L. 104–106, div. A, title V, § 534, Feb. 10, 1996, 110 Stat. 315.

COLONEL THOMAS HAWKINS JOHNSON VISITING SCHOLAR PROGRAM AND LECTURE SERIES

Pub. L. 101–510, div. A, title XIV, § 1466, Nov. 5, 1990, 104 Stat. 1700, provided that:

''(a) VISITING SCHOLAR PROGRAM.—(1) The Secretary of the Army shall establish a visiting scholar program at the United States Military Academy to be known as the 'Thomas Hawkins Johnson Visiting Scholar Program'. The Secretary shall select not more than two scholars to participate in the program for an academic year. A person selected to participate in the program shall serve as an instructor at the Academy for two weeks during the academic year and perform such duties as the Secretary may assign.

''(2) There is authorized to be appropriated to the Secretary of the Army $25,000 for each fiscal year to carry out this subsection.

''(b) LECTURE SERIES.—(1) The Secretary of Defense shall establish a lecture series at the National Defense University to be known as the 'Thomas Hawkins Johnson Lecture Series'. The Secretary shall use the lecture series to bring prominent persons to the National Defense University to deliver lectures on topics relating to public policy, national security, and science.

''(2) There is authorized to be appropriated to the Secretary of Defense $25,000 for each fiscal year to carry out this subsection.''

§ 4332. Departments and professors: titles

(a) The Secretary of the Army may prescribe the titles of each of the departments of instruction and the professors of the Academy. However, the change of the title of a department or officer does not affect the status, rank, or eligibility for promotion or retirement of, or otherwise prejudice, a professor at the Academy.

(b) Upon becoming the senior professor in a department, a permanent professor thereby becomes the head of that department.

(Aug. 10, 1956, ch. 1041, 70A Stat. 238.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4332(a)	10:1061a.	Dec. 14, 1942, ch. 729, 56 Stat. 1049.
4332(b)	10:1087 (proviso).	June 26, 1946, ch. 495, § 1 (proviso), 60 Stat. 312.

In subsection (a), the words ''now or after December 14, 1942, established at'' are omitted as surplusage. The word ''precedence'' is omitted as covered by the word ''rank''. The words ''pay, allowances'' are omitted, since they are determined by the grade held. The words ''from time to time'', ''shall be known'', and ''operate in any case or on any account'' are omitted as surplusage.

§ 4333. Superintendent; faculty: appointment and detail

(a) The Superintendent and the Commandant of Cadets of the Academy shall be detailed to those positions by the President from any branch of the Army. Other officers on duty at the Academy, except the permanent professors, may be detailed from any branch of the Army.

(b) The permanent professors of the Academy shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The director of admissions of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Army.

(d) Any officer of the Regular Army in a grade above captain may be detailed to perform the duties of director of admissions without being appointed as director of admissions. Such a detail does not affect his position on the active-duty list.

(e) No graduate of the Academy may be appointed or detailed to serve at the Academy as a professor or instructor, or as an assistant to a professor or instructor, within two years after his graduation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 238; Pub. L. 85–600, § 1(9), Aug. 6, 1958, 72 Stat. 522; Pub. L. 95–551, § 2, Oct. 30, 1978, 92 Stat. 2069; Pub. L. 96–513, title V, § 502(24), Dec. 12, 1980, 94 Stat. 2910.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4333(a)	10:1062.	R.S. 1313.
	10:1063 (1st sentence, and 1st 26 words of last sentence).	R.S. 1314 (words before semicolon).
4333(b)	10:1063 (last sentence, less 1st 26 words).	July 26, 1894, ch. 167 (words after semicolon in 7th clause), 28 Stat. 151.
4333(c)	10:1064.	

In subsection (a), the word ''detailed'' is substituted for the word ''selected'', in 10:1062, and for the word ''appointed'', in 10:1063, since historically the offices of superintendent and commandant of cadets have been filled by detail. The words ''assistant professors, acting assistant professors, and the adjutant'', in 10:1063, are omitted as covered by the word ''officers'', in 10:1062. The words ''except the permanent professors'' are inserted to conform to 10:1062.

In subsection (b), the words ''by and with the advice and consent of the Senate'' are inserted, since many of the statutes establishing particular permanent professorships from time to time have so provided, and historically it has been the uniform practice to make these appointments in this manner. 10:1063 (last 14 words) is omitted as obsolete and as covered by section 4349(b) of this title.

In subsection (c), the word ''appointed'' is substituted for the word ''assigned''.

AMENDMENTS

1980—Subsec. (d). Pub. L. 96–513 struck out ''regular or temporary'' in first sentence, and substituted ''active-duty list'' for ''applicable promotion list'' in second sentence.

1978—Subsecs. (c), (d). Pub. L. 95–551 substituted ''director of admissions'' for ''registrar'' wherever appearing.

1958—Subsecs. (c) to (e). Pub. L. 85–600 added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

DETAIL OF RETIRED OFFICER AS LIBRARIAN

Provisions authorizing the performance of the duties of the librarian at the United States Military Academy by a retired officer detailed on active duty, which were contained in Pub. L. 85–724, title III, Aug. 22, 1958, 72 Stat. 714, the Department of Defense Appropriation Act, 1959, were not contained in subsequent appropriation acts. Similar provisions were contained in the following prior acts:

Aug. 2, 1957, Pub. L. 85–117, title III, 71 Stat. 313.
July 2, 1956, ch. 488, title III, 70 Stat. 456.
July 13, 1955, ch. 358, title III, 69 Stat. 303.
June 30, 1954, ch. 432, title IV, 68 Stat. 339.
Aug. 1, 1953, ch. 305, title III, 67 Stat. 338.
July 10, 1952, ch. 630, title III, 66 Stat. 520.
Oct. 18, 1951, ch. 512, title III, 65 Stat. 427.
Sept. 6, 1950, ch. 896, Ch. X, title III, 64 Stat. 733.
Oct. 29, 1949, ch. 787, title III, 63 Stat. 998.
June 24, 1948, ch. 632, 62 Stat. 660.
July 30, 1947, ch. 357, title I, 61 Stat. 563.
July 16, 1946, ch. 583, 60 Stat. 555.
July 3, 1945, ch. 265, 59 Stat. 398.
June 28, 1944, ch. 303, 58 Stat. 588.
July 1, 1943, ch. 185, 57 Stat. 361.
July 2, 1942, ch. 477, 56 Stat. 624.
June 30, 1941, ch. 262, 55 Stat. 384.
June 13, 1940, ch. 343, 54 Stat. 370.
Apr. 26, 1939, ch. 88, 53 Stat. 610.
June 11, 1938, ch. 347, 52 Stat. 659.
July 1, 1937, ch. 423, 50 Stat. 460.
May 15, 1936, ch. 404, 49 Stat. 1297.
Apr. 9, 1935, ch. 54, title I, 49 Stat. 138.
Apr. 26, 1934, ch. 165, title I, 48 Stat. 631.

§ 4333a. Superintendent: condition for detail to position

(a) RETIREMENT.—As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired pursuant to section 3921(a) of this title, unless such retirement is waived under section 3921(b) of this title.

(b) MINIMUM TOUR OF DUTY.—An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Army shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.

(Added Pub. L. 106–65, div. A, title V, § 532(a)(1)(B), Oct. 5, 1999, 113 Stat. 603; amended Pub. L. 108–375, div. A, title V, § 541(b)(1), Oct. 28, 2004, 118 Stat. 1902.)

AMENDMENTS

2004—Pub. L. 108–375 designated existing provisions as subsec. (a), inserted heading, inserted ''pursuant to section 3921(a) of this title, unless such retirement is waived under section 3921(b) of this title'' before period at end, and added subsec. (b).

APPLICATION OF SECTION TO SUPERINTENDENTS SERVING ON OCTOBER 5, 1999

Section not applicable to an officer serving on Oct. 5, 1999, in the position of Superintendent of the United States Military Academy, Naval Academy, or Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service, see section 532(a)(5) of Pub. L. 106–65, set out as a note under section 3921 of this title.

§ 4334. Command and supervision

(a) The supervision and charge of the Academy is in the Department of the Army, under officers of the Army detailed to that duty by the Secretary of the Army.

(b) The immediate government of the Academy is under the Superintendent, who is also the commanding officer of the Academy and of the military post at West Point.

(c) The Commandant of Cadets is the immediate commander of the Corps of Cadets, and is in charge of the instruction of the Corps in tactics.

(d) The permanent professors and the director of admissions exercise command only in the academic department of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 239; Pub. L. 85–600, § 1(10), Aug. 6, 1958, 72 Stat. 523; Pub. L. 95–551, § 2, Oct. 30, 1978, 92 Stat. 2069.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4334(a)	10:1041.	R.S. 1331.
4334(b)	10:1042.	R.S. 1311.
4334(c)	10:1065.	R.S. 1312.
4334(d)	10:1079.	June 28, 1902, ch. 1300 (1st proviso under ''Permanent Establishment''), 32 Stat. 409.

In subsection (a), the word ''detailed'' is substituted for the word ''assign'' to conform to section 4333 of this title.

In subsection (b), the words ''and, in his absence, the next in rank'' are omitted as surplusage.

In subsection (c), the words ''Corps of Cadets'' are substituted for the words ''battalion of cadets'' to conform to section 4349 of this title and present terminology. The words ''of artillery, cavalry, and infantry'' are omitted as surplusage.

In subsection (d), reference to assimilated rank is omitted as superseded by section 4336 of this title. The words ''and the associate professor'' are omitted as obsolete.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–551 substituted ''director of admissions'' for ''registrar''.

1958—Subsec. (d). Pub. L. 85–600 inserted ''and the registrar'' after ''professors''.

§ 4335. Dean of Academic Board

(a) The Dean of the Academic Board shall be appointed as an additional permanent professor from the permanent professors who have served as heads of departments of instruction at the Academy.

(b) The Dean of the Academic Board shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Army.

(c) While serving as Dean of the Academic Board, an officer of the Army who holds a grade

lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 239; Pub. L. 85–861, § 33(a)(46)(A), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 99–661, div. A, title V, § 508(a), Nov. 14, 1986, 100 Stat. 3866; Pub. L. 102–484, div. A, title V, § 521(a), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 106–65, div. A, title V, § 533(a), Oct. 5, 1999, 113 Stat. 604.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4335(a)	10:1089 (2d sentence).	June 26, 1946, ch. 495, § 3 (less 1st 20 words), 60 Stat. 312.
4335(b)	10:1089 (less 1st 20 words, and less 2d sentence).	

In subsection (b), the word ''grade'' is substituted for the word ''rank''. The words ''pay, allowances'' are omitted, since they are determined by the grade held. The words ''retirement rights'' are omitted as covered by the word ''benefits''. The words ''There is authorized'', ''from time to time'', and ''statutory'' are omitted as surplusage.

1958 ACT

The word ''regular'' is deleted [in sections 4335 and 4336] to make clear that a Dean or professor of the United States Military Academy holds only the office of ''Dean'' or ''professor'' and not the office of ''brigadier general'' or ''colonel'', as the case may be, even though he is entitled to the pay and allowances of that grade.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106–65 added subsec. (c).

1992—Subsec. (c). Pub. L. 102–484 struck out subsec. (c) which read as follows: ''The Dean of the Academic Board has the grade of brigadier general while serving in such position, with the benefits authorized for regular brigadier generals of the Army, if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the retirement age of an officer so appointed is that of a permanent professor of the Academy.''

1986—Subsec. (b). Pub. L. 99–661, § 508(a)(1), struck out ''The Dean has the grade of brigadier general while serving as such, with the benefits authorized for regular brigadier generals of the Army, except that his retirement age is that of a permanent professor of the Academy.'' See subsec. (c).

Subsec. (c). Pub. L. 99–661, § 508(a)(2), added subsec. (c).

1958—Subsec. (b). Pub. L. 85–861 substituted ''the grade of brigadier general'' for ''the regular grade of brigadier general''.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–661 applicable with respect to appointments or details made on or after Nov. 14, 1986, see section 508(f) of Pub. L. 99–661, set out as an Effective Date note under section 12210 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

§ 4336. Permanent professors; director of admissions

(a) A permanent professor of the Academy, other than the Dean of the Academic Board, who is the head of a department of instruction, or who has served as such a professor for more than six years, has the grade of colonel. However, a permanent professor appointed from the Regular Army has the grade of colonel after the date when he completes six years of service as a professor, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier. All other permanent professors have the grade of lieutenant colonel.

(b) A person appointed as director of admissions of the Academy has the regular grade of lieutenant colonel, and, after he has served six years as director of admissions, has the regular grade of colonel. However, a person appointed from the Regular Army has the regular grade of colonel after the date when he completes six years of service as director of admissions, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier.

(Aug. 10, 1956, ch. 1041, 70A Stat. 239; Pub. L. 85–600, § 1(11), Aug. 6, 1958, 72 Stat. 523; Pub. L. 85–861, § 33(a)(46)(B), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 95–551, §§ 2, 4(a), Oct. 30, 1978, 92 Stat. 2069; Pub. L. 96–513, title II, § 218(a), title V, § 502(25), Dec. 12, 1980, 94 Stat. 2886, 2911; Pub. L. 98–525, title V, § 533(d)(1), Oct. 19, 1984, 98 Stat. 2528.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4336	10:1079a(a).	Aug. 7, 1947, ch. 512, § 520(a), 61 Stat. 912.

The word ''grade'' is substituted for the word ''rank''. The words ''pay, and allowances'' are omitted, since they are determined by the grade held. 10:1079a (a) (last proviso), and the words ''Hereafter each of'', ''who have been or may hereafter be'', and ''and appointed in'' are omitted as surplusage.

1958 ACT

The word ''regular'' is deleted [in sections 4335 and 4336] to make clear that a Dean or professor of the United States Military Academy holds only the office of ''Dean'' or ''professor'' and not the office of ''brigadier general'' or ''colonel'', as the case may be, even though he is entitled to the pay and allowances of that grade.

AMENDMENTS

1984—Subsecs. (a), (b). Pub. L. 98–525 substituted ''on which he would have been promoted had he been selected for promotion from among officers in the promotion zone,'' for ''when a regular officer, junior to him on the promotion list or active-duty list on which his name was carried before his appointment as a professor, is promoted to the regular grade of colonel,''.

1980—Subsecs. (a), (b). Pub. L. 96–513, § 502(25), substituted ''a regular officer'' for ''a promotion-list officer'', and inserted ''or active-duty list'' after ''on the promotion list''.

Subsec. (c). Pub. L. 96–513, § 218(a), struck out subsec. (c) which provided that, unless he is serving in a higher

grade, an officer detailed to perform the duties of director of admissions has, while performing those duties, the temporary grade of lieutenant colonel and, after performing those duties for a period of six years, has the temporary grade of colonel.

1978—Pub. L. 95–551, § 4(a), substituted ''director of admissions'' for ''registrar'' in section catchline.

Subsecs. (b), (c). Pub. L. 95–551, § 2, substituted ''director of admissions'' for ''registrar'' wherever appearing.

1958—Pub. L. 85–600, § 1(11)(C), inserted ''; registrar'' in section catchline.

Subsec. (a). Pub. L. 85–861 substituted ''has the grade of colonel'' for ''has the regular grade of colonel'' in two places, and ''have the grade of lieutenant colonel'' for ''have the regular grade of lieutenant colonel''.

Pub. L. 85–600 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 218(a) of Pub. L. 96–513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96–513 effective on Dec. 12, 1980, and amendment by section 502(25) of Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

SERVICE PERFORMED AS REGISTRAR PRIOR TO AUG. 6, 1958

Section 2 of Pub. L. 85–600 provided that: ''No increase in pay or allowances accrues by reason of the enactment of this Act [amending this section and sections 3075, 3204, 3205, 3283, 3296, 3883, 3886, 4331, 4333, 4334, 8075, 8204, 8205, 8296, 8883, 8886, 9331, 9333, 9334, and 9336 of this title] for service performed before this Act takes effect [Aug. 6, 1958].''

§ 4337. Chaplain

There shall be a chaplain at the Academy, who must be a clergyman, appointed by the President for a term of four years. The chaplain is entitled to a monthly housing allowance in the same amount as the basic allowance for housing allowed to a lieutenant colonel, and to fuel and light for quarters in kind. The chaplain may be reappointed.

(Aug. 10, 1956, ch. 1041, 70A Stat. 239; Pub. L. 87–651, title I, § 117, Sept. 7, 1962, 76 Stat. 513; Pub. L. 107–107, div. A, title V, § 540(a), Dec. 28, 2001, 115 Stat. 1109.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4337	10:1083. 10:1137.	Feb. 18, 1896, ch. 22 (proviso), 29 Stat. 8; May 16, 1928, ch. 579, 45 Stat. 573; June 2, 1945, ch. 172, 59 Stat. 230.

The words ''The chaplain may be reappointed'' are substituted for the words ''and said chaplain shall be eligible for reappointment for an additional term or terms''. The figures ''$5,482.80'' and ''$6,714'' are substituted for the figures ''$4,000'' and ''$5,000'' to reflect increases in the rates of salary of that office effected by the Federal Employees Pay Act of 1945, 59 Stat. 295, the Federal Employees Pay Act of 1946, 60 Stat. 216, the Postal Rate Revision and Federal Employees Salary Act of 1948, 62 Stat. 1260, and the Classification Act of 1949, 63 Stat. 954.

1962 ACT

The change reflects the opinion of the Assistant General Counsel, Civil Service Commission (GC: JHF:fz, May 4, 1959), that those parts of section 4337 and 9337 of title 10 that relate to the salaries of the chaplains at the United States Military Academy and the United States Air Force Academy were superseded by the Classification Act of 1949 (5 U.S.C. 1071 et seq.). While the positions of chaplain at those Academies are not specifically covered by the Act, the Act has been determined to apply to those positions in accordance with section 203 thereof (5 U.S.C. 1083).

AMENDMENTS

2001—Pub. L. 107–107 substituted ''a monthly housing allowance in the same amount as the basic allowance for housing allowed to a lieutenant colonel'' for ''the same allowances for public quarters as are allowed to a captain''.

1962—Pub. L. 87–651 struck out provisions which prescribed the salary of chaplain on appointment and reappointment.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title V, § 540(b), Dec. 28, 2001, 115 Stat. 1109, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [Dec. 28, 2001].''

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense, see section 1(5) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 4338. Civilian faculty: number; compensation

(a) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

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

(c) The Secretary of the Army may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.

(Added Pub. L. 103–160, div. A, title V, § 533(a)(1), Nov. 30, 1993, 107 Stat. 1658; amended Pub. L. 106–65, div. A, title XI, § 1107(a), Oct. 5, 1999, 113 Stat. 778.)

PRIOR PROVISIONS

A prior section 4338, acts Aug. 10, 1956, ch. 1041, 70A Stat. 239; Sept. 7, 1962, Pub. L. 87–649, § 4, 76 Stat. 493, provided that the director of music, who was also leader of the Military Academy Band, have the rank prescribed by the Secretary of the Army, that at such time as the President directs, the director of music be retired in the grade equal to the highest rank in which he served on active duty satisfactorily for at least six months and with the retired pay of an officer of the Army with the same grade and length of service, and that the dependents of the director of music be entitled

to pensions, death gratuity, and other benefits provided for the dependents of a Regular Army officer with corresponding grade and length of service, prior to repeal by Pub. L. 95–551, § 3(a), Oct. 30, 1978, 92 Stat. 2069.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106–65 added subsec. (c).

[§ 4339. Repealed. Pub. L. 89–716, § 1, Nov. 2, 1966, 80 Stat. 1114]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 240, authorized public quarters and fuel and light therefor for the organist and choirmaster of the Academy and for civilian instructors in the departments of foreign languages and tactics.

QUARTERS FOR ORGANIST, CHOIRMASTER AND CERTAIN CIVILIAN INSTRUCTORS APPOINTED PRIOR TO JAN. 17, 1963

Section 2 of Pub. L. 89–716 provided that the organist and choirmaster and the civilian instructors in departments of foreign languages and tactics at United States Military Academy who were serving under appointments made prior to Jan. 17, 1963, were entitled to public quarters without charge, and to fuel and light without charge when they occupy public quarters.

§ 4340. Quartermaster

The Secretary of the Army shall detail a commissioned officer of the Army as quartermaster for the Corps of Cadets. The quartermaster shall—

(1) buy and issue all supplies for the cadets;

(2) buy and issue all provisions for the mess; and

(3) supervise the mess.

(Aug. 10, 1956, ch. 1041, 70A Stat. 240.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4340	10:1067.	Aug. 7, 1876, ch. 255 (last par.), 19 Stat. 126.

The words ''buy and issue all provisions for the mess'' and ''supervise the mess'' are substituted for the words ''all the duties of purveying and supervision for the mess''. The word ''commissary'' is omitted as obsolete. The words ''and all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost, without any commission or advance over said cost'' are omitted to reflect Title IV of the National Security Act of 1947, as amended (61 Stat. 495), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses.

§ 4341. Faculty and other officers: leaves of absence

The Superintendent of the Academy may grant a leave of absence for the period of the suspension of the ordinary academic studies, without deduction of pay or allowances, to a professor, assistant professor, instructor, or other officer of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 240.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4341	10:1144.	R.S. 1330.

The words ''under regulations prescribed by the Secretary of the Army'' are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

§ 4341a. Cadets: appointment by the President

Cadets at the Academy shall be appointed by the President alone. An appointment is conditional until the cadet is admitted.

(Added Pub. L. 97–60, title II, § 203(a)(2)(A), Oct. 14, 1981, 95 Stat. 1006.)

EFFECTIVE DATE

Section 203(d) of Pub. L. 97–60 provided that: ''The amendments made by this section [enacting this section and section 9341a of this title and amending sections 4342, 6953, 6954, and 9342 of this title] shall take effect with respect to nominations for appointment to the first class admitted to each Academy after the date of the enactment of this Act [Oct. 14, 1981].''

§ 4342. Cadets: appointment; numbers, territorial distribution

(a) The authorized strength of the Corps of Cadets of the Academy (determined for any year as of the day before the last day of the academic year) is 4,400 or such lower number as may be prescribed by the Secretary of the Army under subsection (j). Subject to that limitation, cadets are selected as follows:

(1) 65 cadets selected in order of merit as established by competitive examinations from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a ''missing status'' as defined in section 551(2) of title 37, and children of civilian employees who are in ''missing status'' as defined in section 5561(5) of title 5. The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability, and the percentage at which the disability is rated, is binding upon the Secretary of the Army.

(2) Five cadets nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

(4) Five cadets from each congressional district, nominated by the Representative from the district.

(5) Five cadets from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Three cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) Three cadets from Guam, nominated by the Delegate in Congress from Guam.

(9) Two cadets from American Samoa, nominated by the Delegate in Congress from American Samoa.

(10) Two cadets from the Commonwealth of the Northern Mariana Islands, nominated by the Delegate in Congress from the commonwealth.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate 10 persons for each vacancy that is available to him under this section. Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.

(b) In addition, there may be appointed each year at the Academy cadets as follows:

(1) one hundred selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay;

(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Army from enlisted members of the Regular Army.

(3) 85 nominated by the Secretary of the Army from enlisted members of reserve components of the Army.

(4) 20 nominated by the Secretary of the Army, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Army in order of merit (prescribed pursuant to section 4343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as cadets at the Academy children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

(d) The Superintendent may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2) through (9) of subsection (a) and may not cause the total strength of the Corps of Cadets to exceed the authorized number.

(e) If the annual quota of cadets under subsection (b)(1), (2), (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(f) Each candidate for admission nominated under clauses (3) through (9) of subsection (a) must be domiciled in the State, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(g) The Secretary of the Army may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy, as determined by the Secretary after consulting with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, subject to the following:

(1) Cadets chargeable to each nominating authority named in subsection (a)(3) or (4) may not be limited to less than four.

(2) If the Secretary limits the number of appointments under subsection (a)(3) or (4), appointments under subsection (b)(1)–(4) are limited as follows:

(A) 27 appointments under subsection (b)(1);

(B) 27 appointments under subsection (b)(2);

(C) 27 appointments under subsection (b)(3); and

(D) 13 appointments under subsection (b)(4).

(3) If the Secretary limits the number of appointments under subsection (b)(5), appointments under subsection (b)(2)–(4) are limited as follows:

(A) 27 appointments under subsection (b)(2);

(B) 27 appointments under subsection (b)(3); and

(C) 13 appointments under subsection (b)(4).

(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

(h) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary of the Army may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.

(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Army may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400.

(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under section 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Army Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Army Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

(4) In this subsection, the term ''cadet strength limit'' means the authorized maximum strength of the Corps of Cadets of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 240; Pub. L. 85–861, § 33(a)(26), Sept. 2, 1958, 72 Stat. 1565; Pub. L. 87–663, § 1(1), (2), Sept. 14, 1962, 76 Stat. 547; Pub. L. 88–276, § 1(1), Mar. 3, 1964, 78 Stat. 148; Pub. L. 89–650, § 1(1)–(4), Oct. 13, 1966, 80 Stat. 896; Pub. L. 90–374, July 5, 1968, 82 Stat. 283; Pub. L. 90–623, § 2(8), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 91–405, title II, § 204(c), Sept. 22, 1970, 84 Stat. 852; Pub. L. 92–365, § 1(1), Aug. 7, 1972, 86 Stat. 505; Pub. L. 93–171, § 1(1)–(4), Nov. 29, 1973, 87 Stat. 690; Pub. L. 94–106, title VIII, § 803(b)(1), Oct. 7, 1975, 89 Stat. 538; Pub. L. 96–513, title V, § 512(13), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 96–600, § 2(a), Dec. 24, 1980, 94 Stat. 3493; Pub. L. 97–60, title II, § 203(a)(1), Oct. 14, 1981, 95 Stat. 1006; Pub. L. 98–94, title X, § 1005(a)(1), (b)(1), Sept. 24, 1983, 97 Stat. 660; Pub. L. 101–189, div. A, title XVI, § 1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 101–510, div. A, title V, § 532(a)(1), Nov. 5, 1990, 104 Stat. 1563; Pub. L. 103–160, div. A, title V, § 531, Nov. 30, 1993, 107 Stat. 1657; Pub. L. 103–337, div. A, title XVI, § 1672(c)(3), Oct. 5, 1994, 108 Stat. 3015; Pub. L. 104–106, div. A, title V, § 532(a), title XV, § 1502(a)(1), Feb. 10, 1996, 110 Stat. 314, 502; Pub. L. 105–85, div. A, title X, § 1073(a)(62), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 106–65, div. A, title V, § 531(b)(1), title X, § 1067(1), Oct. 5, 1999, 113 Stat. 602, 774; Pub. L. 106–398, § 1 [[div. A], title V, § 531(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–109; Pub. L. 107–314, div. A, title V, § 532(a), (f), Dec. 2, 2002, 116 Stat. 2545, 2547; Pub. L. 108–136, div. A, title V, § 524(a), title X, § 1031(a)(53), Nov. 24, 2003, 117 Stat. 1464, 1603; Pub. L. 109–364, div. A, title X, § 1071(a)(28), Oct. 17, 2006, 120 Stat. 2399; Pub. L. 110–181, div. A, title V, § 525, Jan. 28, 2008, 122 Stat. 104; Pub. L. 110–229, title VII, § 718(a), May 8, 2008, 122 Stat. 869; Pub. L. 110–417, [div. A], title V, § 540(a), Oct. 14, 2008, 122 Stat. 4454; Pub. L. 111–84, div. A, title V, § 527(a), Oct. 28, 2009, 123 Stat. 2288.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4342(a)	10:1092a (1st par., less clauses (a) through (e)). 10:1092a (clause (a), less 14th through 52d words after 4th semicolon; and less last 32 words). 10:1092a (1st 13 words of clause (b)). 10:1092a (1st 26 words of clause (c)). 10:1092a (clause (d)). 10:1092a (clause (e), less last 53 words).	R.S. 1317. June 30, 1950, ch. 421, §§ 1, 2 (last proviso), 64 Stat. 303, 304; June 3, 1954, ch. 251, § 2, 68 Stat. 169.
4342(b)	10:1092a (last par.). 10:1098.	
4342(c)	10:1092a (14th through 52d words after 4th semicolon of clause (a)). 10:1092b (last proviso).	
4342(d)	10:1092a (last 32 words of clause (a)).	
4342(e)	10:1092a (clause (b), less 1st 13 words, and less 1st proviso).	
4342(f)	10:1092a (1st proviso of clause (b)).	
4342(g)	10:1092a (clause (c), less 1st 26 words).	
4342(h)	10:1092a (last 53 words of clause (e)).	

In subsection (a), the words ''the authorized strength is as follows—'' are substituted for the words ''shall be authorized and consist of the following''. The words ''at large'' and ''which totals two thousand four hundred and ninety-six'', and 10:1092a (clause (d)) are omitted as surplusage.

In subsection (b), the words ''from whatever source of admission'', in 10:1092a, are omitted as surplusage. 10:1098 (words before last semicolon) is omitted as obsolete.

In subsection (c), the first 15 words are substituted for the words ''all of which cadets shall be''. The words ''domiciled in'' are substituted for the words ''actual residents of'' to conform to opinions of the Judge Advocate General of the Army (R. 29, 83; J.A.G. 351.11, Feb. 10, 1925).

In subsection (e)(4), the words ''armed forces'' are substituted for the description of the land or naval forces. The date February 1, 1955, fixed by Proclamation No. 3080 (Jan. 7, 1955; 20 F.R. 173), is substituted for the words ''such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress under section 745 of title 38''. The words ''including male and female members of and all components thereof'' are omitted as surplusage.

In subsection (f), the words ''whether a death is service-connected'' are substituted for the words ''as to the service connection of the cause of death''.

In subsection (g), the words ''(National Guard of the United States, the Air National Guard of the United States, the Army Reserve, and the Air Force Reserve)'', ''Regular components'', ''by members of the National Guard of the United States and the Air National Guard of the United States'' and ''established at the competitive entrance examination'' are omitted as surplusage. The word ''grades'' is substituted for the words ''proficiency averages''.

In subsection (h), the words ''or shall hereafter be'' are omitted as surplusage.

AMENDMENTS

2009—Subsec. (a)(10). Pub. L. 111–84 substituted ''Two cadets'' for ''One cadet''.

2008—Subsec. (a). Pub. L. 110–417 substituted ''4,400 or such lower number'' for ''4,000 or such higher number'' in introductory provisions.

Subsec. (a)(10). Pub. L. 110–229 substituted ''Delegate in Congress'' for ''resident representative''.

Subsec. (j)(1). Pub. L. 110–181 struck out last sentence which read as follows: ''However, no increase may be prescribed for any academic year after the 2007–2008 academic year.''

2006—Subsec. (a)(9). Pub. L. 109–364 substituted ''cadets'' for ''cadet''.

2003—Subsec. (a)(6), (8). Pub. L. 108–136, §524(a)(1), substituted ''Three'' for ''Two''.

Subsec. (a)(9). Pub. L. 108–136, §524(a)(2), substituted ''Two'' for ''One''.

Subsec. (h). Pub. L. 108–136, §1031(a)(53), substituted ''Superintendent'' for ''Secretary of the Army''.

2002—Subsec. (a). Pub. L. 107–314, §532(a)(1), inserted before period at end of first sentence ''or such higher number as may be prescribed by the Secretary of the Army under subsection (j)''.

Subsec. (i). Pub. L. 107–314, §532(f), struck out ''(beginning with the 2001–2002 academic year)'' after ''any year''.

Subsec. (j). Pub. L. 107–314, §532(a)(2), added subsec. (j).

2000—Subsec. (b)(1)(B). Pub. L. 106–398, §1 [[div. A], title V, §531(a)(1)], struck out '', other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)'' after ''retired or retainer pay''.

Subsec. (b)(1)(C), (D). Pub. L. 106–398, §1 [[div. A], title V, §531(a)(2)], added subpars. (C) and (D).

1999—Subsec. (a). Pub. L. 106–65, §531(b)(1)(A), substituted ''(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:'' for ''is as follows:'' in introductory provisions.

Subsec. (g). Pub. L. 106–65, §1067(1), substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security'' in introductory provisions.

Subsec. (i). Pub. L. 106–65, §531(b)(1)(B), added subsec. (i).

1997—Subsec. (a)(10). Pub. L. 105–85 substituted ''Mariana'' for ''Marianas''.

1996—Subsec. (a)(10). Pub. L. 104–106, §532(a), added par. (10).

Subsec. (g). Pub. L. 104–106, §1502(a)(1), substituted ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives'' for ''Committees on Armed Services of the Senate and House of Representatives''.

1994—Subsec. (b)(1)(B). Pub. L. 103–337 substituted ''section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)'' for ''section 1331 of this title''.

1993—Subsec. (a). Pub. L. 103–160 in concluding provisions substituted ''10 persons'' for ''a principal candidate and nine alternates'' and inserted at end ''Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.''

1990—Subsec. (a)(8) to (10). Pub. L. 101–510, §532(a)(1)(A), redesignated cls. (9) and (10) as (8) and (9), respectively, and struck out former cl. (8) which read as follows: ''One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.''

Subsec. (d). Pub. L. 101–510, §532(a)(1)(B), substituted ''clauses (2) through (9)'' for ''clauses (2)–(7), (9), or (10)''.

Subsec. (f). Pub. L. 101–510, §532(a)(1)(C), substituted ''clauses (3) through (9)'' for ''clauses (3)–(7), (9) and (10)''.

1989—Subsec. (a)(1). Pub. L. 101–189 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

1983—Subsec. (a)(8). Pub. L. 98–94, §1005(b)(1), substituted ''One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States'' for ''One cadet nominated by the Governor of the Panama Canal from the children of civilians residing in the Canal Zone or the children of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama''.

Subsec. (a)(10). Pub. L. 98–94, §1005(a)(1), substituted '', nominated by the Delegate in Congress from American Samoa'' for ''nominated by the Secretary of the Army upon recommendation of the Governor of Samoa''.

1981—Subsec. (d). Pub. L. 97–60 substituted provisions authorizing the Superintendent to nominate for appointment each year 50 persons from the country at large for provisions that all cadets were to be appointed by the President and that all such appointments were conditional until the cadet was admitted. See section 4341a of this title.

1980—Subsec. (a)(6), (9). Pub. L. 96–600 substituted ''Two cadets'' for ''One cadet''.

Subsec. (h). Pub. L. 96–513 substituted ''The'' for ''Effective beginning with nominations for appointment to the Academy in the calendar year 1964, the''.

1975—Subsecs. (a)(1), (8), (b)(1), (c). Pub. L. 94–106 substituted ''children'' for ''sons'' wherever appearing.

1973—Subsec. (a)(6). Pub. L. 93–171, §1(1), substituted ''One cadet from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands'' for ''Five cadets from each Territory, nominated by the Delegate in Congress from the Territory''.

Subsec. (a)(9). Pub. L. 93–171, §1(2), struck out reference to Guam and Virgin Islands.

Subsec. (a)(10). Pub. L. 93–171, §1(3), added cl. (10).

Subsec. (f). Pub. L. 93–171, §1(4), substituted '', (9) and (10) of subsection (a)'' for ''and (9) of subsection (a)'' and struck out reference to Territory.

1972—Subsec. (a)(1). Pub. L. 92–365 increased the number of cadets from 40 to 65 and added sons of members who are in a missing status and sons of civilian employees who are in missing status as eligible for the competitive examination.

1970—Subsec. (a)(5). Pub. L. 91–405 substituted ''Delegate to the House of Representatives from the District of Columbia'' for ''Commissioner of that District''.

1968—Subsec. (a). Pub. L. 90–374 increased from five to nine the number of alternates for each vacancy each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate.

Subsec. (a)(5). Pub. L. 90–623 substituted ''Commissioner'' for ''Commissioners''.

1966—Subsec. (a)(1). Pub. L. 89–650, §1(1), provided for selection of cadets to the Military Academy from sons of members of the armed forces who have a 100 per centum service-connected disability and removed the limitation to active service during World War I or World War II or after June 26, 1950, and before Feb. 1, 1955.

Subsec. (a)(2). Pub. L. 89–650, §1(2), provided for nominations to the Military Academy by the President pro tempore of the Senate if there is no Vice President.

Subsec. (b)(1). Pub. L. 89–650, §1(3), increased the number of Presidential appointments to the Military Academy from 75 to 100, provided for selection of eligible persons as stated in items (A) and (B), previously chosen from sons of members of regular components, and declared persons eligible under subsec. (a)(1) ineligible under subsec. (b)(1) of this section.

Subsec. (b)(3). Pub. L. 89–650, §1(4), substituted ''reserve components of the Army'' for ''the Army Reserve''.

1964—Pub. L. 88–276 amended section generally, and among other changes, in the noncompetitive appointments, increased the number of cadets nominated by the Vice President from three to five, each Senator, Representative, and Delegate from 4 to 5, and the Commissioner of Puerto Rico from 4 to 5, authorized the Governor of Puerto Rico to appoint one cadet, each Senator, Representative and Delegate to nominate a principal and five alternates for each vacancy, and, in

the competitive appointments, permitted the President to appoint 75 cadets annually from the sons of members of the Regular components, instead of a cumulative total of 89, the Secretary of the Army to appoint 85 cadets annually from enlisted members of the Regular Army, instead of a cumulative total of 90, 85 annually from enlisted members of the Army Reserve, instead of a cumulative total of 90, 20 annually from honor graduates of designated honor schools and the R.O.T.C., instead of a cumulative total of 40 from honor schools only, 150 annually, in order of merit, from among the qualified alternates nominated by members of Congress, and when the quota of cadets selected under subsecs. (b)(1), (2), (3) is not filled, to fill the vacancies by appointing those best qualified from any of the three sources, decreased the number of cadets nominated by the Commissioners of the District of Columbia from 6 to 5, and by the Governor of the Panama Canal from 2 to 1, limited appointments to the number that can be adequately accommodated at the Academy, within the limitation that congressional appointments cannot be limited to less than four, and if limited, a priority of selection is established for the other categories, and, beginning in 1964, the Secretary may upon request of a Member of Congress, furnish him the name of any nominating authority responsible for the nomination of any identified person to the Academy.

1962—Subsec. (a)(10). Pub. L. 87–663, § 1(1), added cl. (10).

Subsec. (c). Pub. L. 87–633, § 1(2), inserted references to American Samoa, Guam, and the Virgin Islands, and substituted ''clauses (1)–(5) and (10)'' for ''clauses (1)–(5).''

1958—Subsec. (c). Pub. L. 85–861 inserted a comma after ''district''.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, § 527(d), Oct. 28, 2009, 123 Stat. 2288, provided that: ''The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act [Oct. 28, 2009].''

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–417, [div. A], title V, § 540(d), Oct. 14, 2008, 122 Stat. 4454, provided that: ''The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall apply with respect to academic years at the United States Military Academy, the United States Naval Academy, and the Air Force Academy after the 2007-2008 academic year.''

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. A, title V, § 524(d), Nov. 24, 2003, 117 Stat. 1465, provided that: ''The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall apply with respect to the nomination of candidates for appointment to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy for classes entering those academies after the date of the enactment of this Act [Nov. 24, 2003].''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–60 effective with respect to nominations for appointment to the first class admitted to each Academy after Oct. 14, 1981, see section 203(d) of Pub. L. 97–60, set out as an Effective Date note under section 4341a of this title.

EFFECTIVE DATE OF 1980 AMENDMENTS

Section 2(d) of Pub. L. 96–600 provided that: ''The amendments made by this section [amending this section and sections 6954 and 9342 of this title] shall be effective beginning with the nominations for appointment to the service academies for academic years beginning more than one year after the date of enactment of this Act [Dec. 24, 1980].''

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 4 of Pub. L. 93–171 provided that: ''The amendments made by this Act [amending this section and sections 4343, 6954, 6956, 6958, 9342, and 9343 of this title] shall be effective beginning with the nominations for appointments to the service academies in the calendar year 1974.''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91–405, set out as an Effective Date note under section 25a of Title 2, The Congress.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90–623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

STRENGTH LIMITATIONS AT UNITED STATES MILITARY ACADEMY

Pub. L. 106–65, div. A, title V, § 531(a), Oct. 5, 1999, 113 Stat. 601, required the Secretary of the Army to take such action as necessary to ensure that the United States Military Academy was in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001–2002 academic year.

LIMITATION ON NUMBER OF CADETS AND MIDSHIPMEN AUTHORIZED TO ATTEND SERVICE ACADEMIES

Pub. L. 102–190, div. A, title V, § 511(a)–(d), Dec. 5, 1991, 105 Stat. 1359, 1360, provided that authorized strength of Corps of Cadets of United States Military Academy, Air Force Cadets of United States Air Force Academy, and brigade of midshipmen of United States Naval Academy could not exceed 4,000 for each service academy for class years beginning after 1994, and contained provisions concerning effect of class reductions on certain appointments and requiring Comptroller General to make determinations and reports, prior to repeal by Pub. L. 106–65, div. A, title V, § 531(b)(4), Oct. 5, 1999, 113 Stat. 602.

Section 531 of Pub. L. 101–510, which required that number of appointments made for class entering service academy in 1991 not exceed the number 100 less than the number entering service academy in 1990, and that number of such appointments not exceed 1,000 in 1995, was repealed by Pub. L. 102–190, div. A, title V, § 511(e), Dec. 5, 1991, 105 Stat. 1360.

ELIGIBILITY OF FEMALE INDIVIDUALS FOR APPOINTMENT AND ADMISSION TO SERVICE ACADEMIES; UNIFORM APPLICATION OF ACADEMIC AND OTHER STANDARDS TO MALE AND FEMALE INDIVIDUALS

Section 803(a) of Pub. L. 94–106 provided that: ''Notwithstanding any other provision of law, in the administration of chapter 403 of title 10, United States Code [this chapter] (relating to the United States Military Academy), chapter 603 of such title (relating to the

United States Naval Academy), and chapter 903 of such title (relating to the United States Air Force Academy), the Secretary of the military department concerned shall take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the service academy concerned, beginning with appointments to such academy for the class beginning in calendar year 1976, and (2) the academic and other 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.''

SECRETARY TO IMPLEMENT POLICY OF EXPEDITIOUS ADMISSION OF WOMEN TO THE ACADEMY

Section 803(c) of Pub. L. 94–106 provided that: ''It is the sense of Congress that, subject to the provisions of subsection (a) [note set out above], the Secretaries of the military departments shall, under the direction of the Secretary of Defense, continue to exercise the authority granted them in chapters 403, 603 and 903 of title 10, United States Code, but such authority must be exercised within a program providing for the orderly and expeditious admission of women to the academies, consistent with the needs of the services, with the implementation of such program upon enactment of this Act [Oct. 7, 1975].''

§ 4343. Cadets: appointment; to bring Corps to full strength

If it is determined that, upon the admission of a new class to the Academy, the number of cadets at the Academy will be below the authorized number, the Secretary of the Army may fill the vacancies by nominating additional cadets from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academic Board. At least three-fourths of those nominated under this section shall be selected from qualified alternates nominated by the persons named in clauses (2) through (8) of section 4342(a) of this title, and the remainder from qualified candidates holding competitive nominations under any other provision of law. An appointment under this section is an additional appointment and is not in place of an appointment otherwise authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 242; Pub. L. 88–276, § 1(2), Mar. 3, 1964, 78 Stat. 150; Pub. L. 93–171, § 1(5), Nov. 29, 1973, 87 Stat. 690; Pub. L. 102–25, title VII, § 701(f)(5), Apr. 6, 1991, 105 Stat. 115.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4343	10:1092d.	June 30, 1950, ch. 421, § 4, 64 Stat. 305.

The words ''If it is determined'' are substituted for the words ''When upon determination''. The words ''within his discretion'' are omitted as covered by the word ''may''. The words ''within the capacity of the Academy'', ''from the remaining sources of admission authorized by law'', and ''to be admitted in such class'' are omitted as surplusage. The words ''by the persons named in clauses (1)–(6) of section 4342(a), and clause (2) of section 4342(e), of this title'' are substituted for the words ''by the Vice President, Members of the Senate and House of Representatives of the United States, Delegates and Resident Commissioners, the Commissioners of the District of Columbia, and the Governor of the Canal Zone''. The words ''under any other provision of law'' are substituted for the words ''from sources authorized by law other than those holding such alternate appointments''.

AMENDMENTS

1991—Pub. L. 102–25 substituted ''clauses (2) through (8)'' for ''clauses (2)–(9)''.

1973—Pub. L. 93–171 substituted ''clauses (2)–(9) of section 4342(a)'' for ''clauses (2)–(8) of section 4342(a)''.

1964—Pub. L. 88–276, among other changes, increased the percentage of nominees to be selected from two-thirds to three-fourths, and struck out ''as are necessary to meet the needs of the Army and Air Force, but not more than the authorized strength of the Corps of Cadets'' after ''Academic Board''.

EFFECTIVE DATE OF 1973 AMENDMENT

Effective date of amendment by Pub. L. 93–171, see section 4 of Pub. L. 93–171, set out as a note under section 4342 of this title.

NUMBER OF ALTERNATE-APPOINTEES FROM CONGRESSIONAL SOURCES NOT TO BE REDUCED BECAUSE OF ADDITIONAL PRESIDENTIAL APPOINTMENTS

Pub. L. 89–650, § 2, Oct. 13, 1966, 80 Stat. 896, provided that: ''Notwithstanding any other provision of law, none of the additional appointments authorized in sections 4342(b)(1), 6954(b)(1) and 9342(b)(1) of this title as provided by this Act shall serve to reduce or diminish the number of qualified alternates from congressional sources who would otherwise be appointed by the appropriate service Secretary under the authority contained in sections 4343, 6956, and 9343 of title 10, United States Code.''

§ 4344. Selection of persons from foreign countries

(a)(1) The Secretary of the Army may permit not more than 60 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Corps of the Cadets of the Academy under section 4342 of this title.

(2) The Secretary of the Army, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Army may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

(3) In selecting persons to receive instruction under this section from among applicants from the countries approved under paragraph (2), the Secretary of the Army shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.

(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United

States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1). The Secretary of the Army shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States.

(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(c)(1) Except as the Secretary of the Army determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

(d) A person receiving instruction under this section is not subject to section 4346(d) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 242; Pub. L. 98–94, title X, § 1004(a)(1), Sept. 24, 1983, 97 Stat. 657; Pub. L. 105–85, div. A, title V, § 543(a), Nov. 18, 1997, 111 Stat. 1743; Pub. L. 106–65, div. A, title V, § 534(a), Oct. 5, 1999, 113 Stat. 605; Pub. L. 106–398, § 1 [[div. A], title V, § 532(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–110; Pub. L. 107–107, div. A, title V, § 533(a)(1), (2), Dec. 28, 2001, 115 Stat. 1105.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4344(a)	10:1093c (less 3d and last sentences).	June 26, 1946, ch. 493, § 1, 60 Stat. 311; June 1, 1948, ch. 357, § 2, 62 Stat. 280.
4344(b)	10:1093c (3d sentence).	
4344(c)	10:1093c (last sentence, less proviso).	
4344(d)	10:1093c (proviso of last sentence).	

In subsection (a), the words ''at West Point, New York'' are omitted as surplusage.

In subsection (b), the words ''is entitled to'' are substituted for the words ''shall receive''. The words ''performed in proceeding'' are omitted as surplusage. The words ''continental limits'' are omitted, since section 101(1) of this title defines the United States to include only the States and the District of Columbia.

In subsection (c), the words ''to any office or position'' are omitted as surplusage.

In subsection (d), the words ''and 1101'' are omitted, since section 1321 of the Revised Statutes, previously codified in 10:1101, was repealed by section 6(b) of the Act of June 30, 1950, ch. 421, 64 Stat. 305.

AMENDMENTS

2001—Subsec. (a)(1). Pub. L. 107–107, § 533(a)(1), substituted ''60'' for ''40''.

Subsec. (b)(2). Pub. L. 107–107, § 533(a)(2)(A), struck out ''unless a written waiver of reimbursement is granted by the Secretary of Defense'' before period at end of first sentence.

Subsec. (b)(3). Pub. L. 107–107, § 533(a)(2)(B), added par. (3) and struck out former par. (3) which read as follows: ''The amount of reimbursement waived under paragraph (2) may not exceed 50 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than 20 persons receiving instruction at the Academy under this section at any one time.''

2000—Subsec. (a)(3). Pub. L. 106–398 added par. (3).

1999—Subsec. (b)(3). Pub. L. 106–65 substituted ''50 percent'' for ''35 percent'' and ''20 persons'' for ''five persons''.

1997—Subsec. (b)(2). Pub. L. 105–85, § 543(a)(1), inserted before period at end '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States''.

Subsec. (b)(3). Pub. L. 105–85, § 543(a)(2), added par. (3).

1983—Pub. L. 98–94 substituted ''persons from foreign countries'' for ''persons from Canada and American Republics'' in section catchline.

Subsec. (a)(1). Pub. L. 98–94 substituted ''The Secretary of the Army may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy'' for ''Upon designation by the President, the Secretary of the Army may permit not more than 20 persons at any one time from Canada and the American Republics, other than the United States, to receive instruction at the Academy'' as the first sentence of existing subsec. (a), redesignated that first sentence as par. (1), and in par. (1) as so redesignated inserted second sentence providing that such persons shall be in addition to the authorized strength of the Corps of the Cadets of the Academy under section 4342 of this title.

Subsec. (a)(2). Pub. L. 98–94 substituted ''The Secretary of the Army, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country'' for ''However, not more than three persons from any one of those republics or from Canada may receive instruction under this section at any one time'' as the second sentence of existing subsec. (a), redesignated that second sentence as par. (2), and in par. (2) as so redesignated inserted second sentence providing that the Secretary of the Army may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

Subsec. (b)(1). Pub. L. 98–94 redesignated first sentence of existing subsec. (b) as par. (1) thereof.

Subsec. (b)(2). Pub. L. 98–94 substituted ''Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense'' for ''However, the mileage allowance payable to that person for travel to the Academy for initial admission is not limited to mileage for travel within the United States'' as second sentence of existing subsec. (b), redesignated that second sentence as par. (2) and inserted second sentence providing that the Secretary of the Army shall prescribe the rates for reimbursement under this paragraph.

Subsec. (c)(1). Pub. L. 98–94 redesignated first sentence of existing subsec. (c) as par. (1) and inserted second sentence providing that the Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under

this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

Subsec. (c)(2). Pub. L. 98–94 redesignated second sentence of existing subsec. (c) as par. (2) and substituted ''appointment in an armed force of the United States'' for ''appointment in the United States Army''.

Subsec. (d). Pub. L. 98–94 reenacted subsec. (d) without change.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title V, § 533(a)(3), Dec. 28, 2001, 115 Stat. 1105, provided that: ''The amendments made by paragraph (2) [amending this section] shall not apply with respect to any person who entered the United States Military Academy to receive instruction under section 4344 of title 10, United States Code, before the date of the enactment of this Act [Dec. 28, 2001].''

Pub. L. 107–107, div. A, title V, § 533(d), Dec. 28, 2001, 115 Stat. 1106, provided that: ''The amendments made by this section [amending this section and sections 6957 and 9344 of this title] shall not apply with respect to any academic year that began before the date of the enactment of this Act [Dec. 28, 2001].''

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–398, § 1 [[div. A], title V, § 532(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A–110, provided that: ''The amendments made by this section [amending this section and sections 6957 and 9344 of this title] shall apply with respect to academic years that begin after October 1, 2000.''

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title V, § 534(d), Oct. 5, 1999, 113 Stat. 605, provided that: ''The amendments made by this section [amending this section and sections 6957 and 9344 of this title] apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.''

EFFECTIVE DATE OF 1997 AMENDMENT

Section 543(d) of Pub. L. 105–85 provided that: ''The amendments made by this section [amending this section and sections 6957 and 9344 of this title] apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1998.''

EFFECTIVE DATE OF 1983 AMENDMENT

Section 1004(d) of Pub. L. 98–94 provided that:

''Sections 4344(b)(2), 6957(b)(2), and 9344(b)(2) of title 10, United States Code, as added by this section, do not apply to the cost of providing instruction to a person who, before the effective date of this section, entered the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy under section 4344, 4345, 6957, 9344, or 9345 of such title, as in effect on the day before such date. Any such person shall be counted against the maximum of 40 persons who may attend the Academy concerned at any time under any of those sections.

''The amendments made by subsections (a), (b), and (c) [amending this section and sections 6957 and 9344 of this title and repealing sections 4345 and 9345 of this title] shall take effect one year after the date of the enactment of this Act [Sept. 24, 1983] and shall apply to each person entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy after that effective date.''

PERSONS FROM COUNTRIES ASSISTING U.S. IN VIETNAM: SERVICE ACADEMY INSTRUCTION; BENEFITS, LIMITATIONS, RESTRICTIONS, AND REGULATIONS; OATH OF TRAINEES

Pub. L. 89–802, Nov. 9, 1966, 80 Stat. 1518, provided that:

''(a) Notwithstanding any other provision of law, upon designation by the President, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, respectively, may permit persons from foreign countries to receive instruction at the Military Academy, the Naval Academy, and the Air Force Academy.

''(b) A person may not be admitted to an Academy for instruction under this Act unless his country at the time of his admission is assisting the United States in Vietnam by the provision of manpower or bases.

''(c) Not more than four persons may receive instruction under this Act at any one Academy at any one time.

''(d) No person may be admitted to an Academy under this Act after October 1, 1970.

''(e) A person receiving instruction under this Act is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States and from the same appropriations.

''(f) Except as the Secretary determines, a person receiving instruction under this Act is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal and graduation as a cadet or midshipman appointed from the United States. However, a person receiving instruction under this Act is not entitled to an appointment in the Armed Forces of the United States by reason of his graduation from an Academy.

''(g) A person receiving instruction under this Act is not subject to section 4346(d) of title 10, United States Code.''

§ 4345. Exchange program with foreign military academies

(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Army may permit a student enrolled at a military academy of a foreign country to receive instruction at the Academy in exchange for a cadet receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 4344 of this title.

(b) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets and a comparable number of students from all foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at the Academy.

(c) COSTS AND EXPENSES.—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet by reason of attendance at the Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign

country provides comparable support and services to the exchanged cadet in that foreign country.

(3) The Academy shall bear all costs of the exchange program from funds appropriated for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed $1,000,000 during any fiscal year.

(d) APPLICATION OF OTHER LAWS.—Subsections (c) and (d) of section 4344 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Academy under the exchange program.

(e) REGULATIONS.—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

(Added Pub. L. 105–85, div. A, title V, § 542(a)(1), Nov. 18, 1997, 111 Stat. 1740; amended Pub. L. 106–65, div. A, title V, § 535(a), Oct. 5, 1999, 113 Stat. 605; Pub. L. 109–364, div. A, title V, § 531(a), Oct. 17, 2006, 120 Stat. 2198.)

PRIOR PROVISIONS

A prior section 4345, act Aug. 10, 1956, ch. 1041, 70A Stat. 242, related to selection of Filipinos for instruction at the Military Academy, prior to repeal by Pub. L. 98–94, title X, § 1004(a)(2), (d), Sept. 24, 1983, 97 Stat. 658, 660, effective one year after Sept. 24, 1983. See section 4344 of this title.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–364, § 531(a)(1), substituted ''100'' for ''24''.

Subsec. (c)(3). Pub. L. 109–364, § 531(a)(2)(A), inserted ''and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.'' after ''for the Academy'' and struck out at end ''Expenditures in support of the exchange program may not exceed $120,000 during any fiscal year.''

Subsec. (c)(4). Pub. L. 109–364, § 531(a)(2)(B), added par. (4).

1999—Subsec. (b). Pub. L. 106–65, § 535(a)(1), substituted ''24 cadets'' for ''10 cadets''.

Subsec. (c)(3). Pub. L. 106–65, § 535(a)(2), substituted ''$120,000'' for ''$50,000''.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title V, § 531(d), Oct. 17, 2006, 120 Stat. 2199, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 17, 2006]. The amendments made by subsections (b) and (c) [amending sections 6957a and 9345 of this title] shall take effect on October 1, 2008.''

§ 4345a. Foreign and cultural exchange activities

(a) ATTENDANCE AUTHORIZED.—The Secretary of the Army may authorize the Academy to permit students, officers, and other representatives of a foreign country to attend the Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Academy under subsection (a).

(c) EFFECT OF ATTENDANCE.—Persons attending the Academy under subsection (a) are not considered to be students enrolled at the Academy and are in addition to persons receiving instruction at the Academy under section 4344 or 4345 of this title.

(d) SOURCE OF FUNDS; LIMITATION.—(1) The Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Academy and from such additional funds as may be available to the Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.

(Added Pub. L. 110–417, [div. A], title V, § 541(a)(1), Oct. 14, 2008, 122 Stat. 4454.)

§ 4346. Cadets: requirements for admission

(a) To be eligible for admission to the Academy a candidate must be at least 17 years of age and must not have passed his twenty-third birthday on July 1 of the year in which he enters the Academy.

(b) To be admitted to the Academy, an appointee must show, by an examination held under regulations prescribed by the Secretary of the Army, that he is qualified in the subjects prescribed by the Secretary.

(c) A candidate designated as a principal or an alternate for appointment as a cadet shall appear for physical examination at a time and place designated by the Secretary.

(d) To be admitted to the Academy, an appointee must take and subscribe to the following oath—

''I, _____, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the Uniform Code of Military Justice.''

If a candidate for admission refuses to take this oath, his appointment is terminated.

(Aug. 10, 1956, ch. 1041, 70A Stat. 242; Pub. L. 104–201, div. A, title V, § 555(b), Sept. 23, 1996, 110 Stat. 2527.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4346(a)	10:1092b (less provisos).	June 30, 1950, ch. 421, § 2 (less provisos), 64 Stat. 304.
4346(b)	10:1096.	
4346(c)	10:1095.	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4346(d)	10:1099.	R.S. 1319; restated Mar. 2, 1901, ch. 804 (1st proviso under ''Permanent Establishment''), 31 Stat. 911. Aug. 9, 1912, ch. 275 (2d proviso under ''Permanent Establishment''), 37 Stat. 252. R.S. 1320.

In subsection (a), the words ''Effective January 1, 1951'' are omitted as executed. The word ''Calendar'' is omitted as surplusage. The words ''must not have passed his twenty-second birthday'' are substituted for the words ''not more than twenty-two years of age'', to make it clear that a person whose twenty-second birthday falls on July 1 of the year of admission is eligible (see opinion of the Judge Advocate General of the Army (JAGA 1952/7083, 2 Sept. 1952)).

In subsection (b), the words ''To be'' are substituted for the words ''before they shall be''. The words ''must show that he is qualified'' are substituted for the words ''shall be required to be well versed''. The words ''from time to time'' are omitted as surplusage.

In subsection (c), the word ''shall'' is substituted for the word ''may'', since the nominee is required to appear for the examination. The word ''appear'' is substituted for the words ''present himself''. The words ''at a place'' are substituted for the words ''at West Point, New York, or other prescribed places''.

In subsection (d), the word ''county'' is omitted as surplusage. The words ''Uniform Code of Military Justice'' are substituted for the words ''rules and articles governing the armies of the United States'', since the Articles of War have been superseded by the Uniform Code of Military Justice. The words ''his appointment is terminated'' are substituted for the words ''shall be dismissed from the service'', since a cadet who has not taken the oath is not yet a member.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–201 substituted ''twenty-third birthday'' for ''twenty-second birthday''.

AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING PERSIAN GULF WAR

Pub. L. 102–190, div. A, title V, § 514, Dec. 5, 1991, 105 Stat. 1361, provided that:

''(a) WAIVER AUTHORITY.—The Secretary of the military department concerned may waive the maximum age limitation in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, in the case of any enlisted member of the Armed Forces who—

''(1) becomes 22 years of age while serving on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm during the Persian Gulf War; or

''(2) was a candidate for admission to the service academy under the jurisdiction of such Secretary in 1990, was prevented from being admitted to the academy during that year by reason of the service of such person on active duty in the Persian Gulf area of operations in connection with Operation Desert Storm, and became 22 years of age after July 1, 1990, and before the end of such service in that area of operations.

''(b) DEFINITIONS.—For purposes of this section:

''(1) The term 'Operation Desert Storm' has the meaning given such term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 77; 10 U.S.C. 101 note).

''(2) The term 'Persian Gulf War' has the meaning given such term in section 101(33) of title 38, United States Code.''

PERSONS FROM COUNTRIES ASSISTING U.S. IN VIETNAM; SERVICE ACADEMY INSTRUCTION: OATH OF TRAINEES

Exemption from oath requirement of subsec. (d) of this section of appointees to the Military Academy, the Naval Academy, and the Air Force Academy from countries assisting U.S. in Vietnam, see Pub. L. 89–802, § 1(g), Nov. 9, 1966, 80 Stat. 1519, set out as a note under section 4344 of this title.

§ 4347. Cadets; nominees: effect of redistricting of States

If as a result of redistricting a State the domicile of a cadet, or a nominee, nominated by a Representative falls within a congressional district other than that from which he was nominated, he is charged to the district in which his domicile so falls. For this purpose, the number of cadets otherwise authorized for that district is increased to include him. However, the number as so increased is reduced by one if he fails to become a cadet or when he is finally separated from the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 243.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4347	10:1091–1.	July 7, 1943, ch. 193, 57 Stat. 383.

The word ''domicile'' is substituted for the words ''place of residence'' to conform to opinions of the Judge Advocate General of the Army (R. 29, 83; J.A.G. 351.11, Feb. 10, 1925). The words ''a other than that from which he was nominated'' are substituted for the word ''another''. The words ''were appointed with respect to'', ''of the former district'', ''as additional numbers'', ''at such academy for the Representative'', ''temporarily'', and ''in attendance at such academy under an appointment from such former district'' are omitted as surplusage. The words ''the district in which his domicile so falls'' are substituted for the words ''of the latter district''. The words ''to include him'' are substituted for 10:1091–1 (18 words before proviso). The words ''However, the number as so increased'' are substituted for 10:1091–1 (1st 13 words of proviso). The words ''if he fails to become a cadet'' are inserted for clarity.

§ 4348. Cadets: agreement to serve as officer

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

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

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

(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Army or the Regular Air Force; 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 completion of the commissioned service obligation of the cadet, the cadet—

(A) will accept an appointment as a commissioned officer as a Reserve for service in the Army Reserve or the Air Force Reserve; and

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

(b)(1) The Secretary of the Army may transfer to the Army 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 (a). 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 this title.

(2) A cadet who is transferred to the Army 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 (a) if the cadet is separated from the 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 Academy and accept an appointment as a commissioned officer upon graduation from the Academy.

(c) The Secretary of the Army shall prescribe regulations to carry out this section. Those regulations shall include—

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

(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 (b).

(d) In this section, the term ''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 of Defense, any later date up to the eighth anniversary of such appointment.

(e)(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 (a) only with the consent of a parent or guardian.

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 243; Pub. L. 88–276, § 5(a), Mar. 3, 1964, 78 Stat. 153; Pub. L. 88–647, title III, § 301(9), Oct. 13, 1964, 78 Stat. 1072; Pub. L. 98–525, title V, §§ 541(a), 542(b), Oct. 19, 1984, 98 Stat. 2529; Pub. L. 99–145, title V, § 512(a), Nov. 8, 1985, 99 Stat. 623; Pub. L. 101–189, div. A, title V, § 511(b), title XVI, § 1622(e)(5), Nov. 29, 1989, 103 Stat. 1439, 1605; Pub. L. 104–106, div. A, title V, § 531(a), Feb. 10, 1996, 110 Stat. 314; Pub. L. 109–163, div. A, title VI, § 687(c)(9), Jan. 6, 2006, 119 Stat. 3335; Pub. L. 111–84, div. A, title X, § 1073(a)(29), Oct. 28, 2009, 123 Stat. 2474.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4348	10:1092c.	June 30, 1950, ch. 421, § 3, 64 Stat. 304.

The word ''agreement'' is substituted for the word ''articles''. The words ''Hereafter'', ''appointed to the United States Military Academy'', ''engage'', and 10:1092c (1st 25 words of clause (2)) are omitted as surplusage. The word ''separated'' is substituted for the words ''discharged by competent authority''. The words ''if he is permitted to resign'' are substituted for the words ''in the event of the acceptance of his resignation'', since a resignation is effective only when accepted. The first 31 words of clause (3) are substituted for 10:1092c (last 29 words of clause (3)). The last sentence is substituted for the words ''with the consent of his parents or guardian if he be a minor, and if any he have''.

AMENDMENTS

2009—Subsec. (f). Pub. L. 111–84 substituted ''subsection (a)'' for ''section (a)''.

2006—Subsec. (f). Pub. L. 109–163 added subsec. (f).

1996—Subsec. (a)(2)(B). Pub. L. 104–106 substituted ''five years'' for ''six years''.

1989—Subsec. (a)(2)(B). Pub. L. 101–189, § 511(b), substituted ''six years'' for ''five years''.

Subsec. (d). Pub. L. 101–189, § 1622(e)(5), inserted ''the term'' after ''In this section,''.

1985—Pub. L. 99–145 amended section generally. Prior to amendment, section read as follows:

''(a) Each cadet who is a citizen or national of the United States shall sign an agreement that he will—

''(1) unless sooner separated from the Academy, complete the course of instruction at the Academy;

''(2) accept an appointment and, unless sooner separated from the service, serve as a commissioned officer of the Regular Army or the Regular Air Force for at least the five years immediately after graduation; and

''(3) accept an appointment as a commissioned officer as a Reserve for service in the Army Reserve or the Air Force Reserve and, unless sooner separated from the service, remain therein until at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary of his graduation, if an appointment in the regular component of that armed force is not tendered to him, or if he is permitted to resign as a commissioned officer of that component before that anniversary.

If the cadet is a minor and has parents or a guardian, he may sign the agreement only with the consent of the parents or guardian.

''(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Army to the Army Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years.''

1984—Subsec. (a). Pub. L. 98–525, § 541(a), struck out '', unless sooner separated,'' in introductory text before ''he will''; inserted in cl. (1) ''unless sooner separated from the Academy,''; and inserted '', unless sooner separated from the service,'' in cls. (2) and (3).

Subsec. (a)(3). Pub. L. 98–525, § 524(b), substituted ''at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary'' for ''the sixth anniversary''.

1964—Pub. L. 88–647 designated existing provisions as subsec. (a) and added subsec. (b).

Subsec. (a)(2). Pub. L. 88–276 substituted ''five'' for ''three''.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 531(e) of Pub. L. 104–106 provided that: ''The amendments made by this section [amending this sec-

tion and sections 6959 and 9348 of this title] apply to persons first admitted to the United States Military Academy, United States Naval Academy, and United States Air Force Academy after December 31, 1991.''

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 511(b) of Pub. L. 101–189 applicable to persons who are first admitted to one of the military service academies after Dec. 31, 1991, see section 511(e) of Pub. L. 101–189, as amended, set out as a note under section 2114 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 512(e) of Pub. L. 99–145 provided that: ''The amendments made by subsections (a), (b), and (c) [amending this section and sections 6959 and 9348 of this title] (other than with respect to the authority of the Secretary of a military department to prescribe regulations)—

''(1) shall take effect with respect to each military department on the date on which regulations prescribed by the Secretary of that military department in accordance with subsection (d) [set out below] take effect; and

''(2) shall apply with respect to each agreement entered into under sections 4348, 6959, and 9348, respectively, of title 10, United States Code, that is entered into on or after the effective date of such regulations and shall apply with respect to each such agreement that was entered into before the effective date of such regulations by an individual who is a cadet or midshipman on such date.''

EFFECTIVE DATE OF 1984 AMENDMENT

Section 541(d) of Pub. L. 98–525 provided that: ''The amendments made by this section [amending this section and sections 6959 and 9348 of this title] shall apply with respect to agreements entered into under section 4348, 6959, or 9348 of title 10, United States Code, before, on, or after the date of the enactment of this Act [Oct. 19, 1984].''

EFFECTIVE DATE OF 1964 AMENDMENT; OBLIGATED PERIOD OF SERVICE

Section 5(c) of Pub. L. 88–276 provided that: ''The amendments made by this section [amending this section, sections 6959 and 9348 of this title, and section 182 of Title 14, Coast Guard] shall apply only with respect to cadets and midshipmen appointed to the service academies and the Coast Guard Academy after the date of enactment of this Act [Mar. 3, 1964], and shall not affect the obligated period of service of any cadet or midshipman appointed to one of the service academies or the Coast Guard Academy on or before the date of enactment of this Act.''

REGULATIONS IMPLEMENTING 1985 AMENDMENT

Section 512(d) of Pub. L. 99–145 provided that: ''The Secretary of each military department shall prescribe the regulations required by section 4348(c), 6959(c), or 9348(c), as appropriate, of title 10, United States Code (as added by the amendments made by subsections (a), (b), and (c)) not later than the end of the 90-day period beginning on the date of the enactment of this Act [Nov. 8, 1985].''

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(c) of Pub. L. 109–163, see section 687(f) of Pub. L. 109–163, set out as a note under section 510 of this title.

DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS

Pub. L. 109–364, div. A, title V, § 533, Oct. 17, 2006, 120 Stat. 2206, provided that:

''(a) POLICY REQUIRED.—

''(1) IN GENERAL.—Not later than July 1, 2007, the Secretary of Defense shall prescribe the policy of the Department of Defense on—

''(A) whether to authorize graduates of the service academies and the Reserve Officers' Training Corps to participate in professional sports before the completion of their obligations for service on active duty as commissioned officers; and

''(B) if so, the obligations for service on active duty as commissioned officers of such graduates who participate in professional sports before the satisfaction of the obligations referred to in subparagraph (A).

''(2) REVIEW OF CURRENT POLICIES.—In prescribing the policy, the Secretary shall review current policies, practices, and regulations of the military departments on the obligations for service on active duty as commissioned officers of graduates of the service academies and the Reserve Officers' Training Corps, including policies on authorized leaves of absence and policies under excess leave programs.

''(3) CONSIDERATIONS.—In prescribing the policy, the Secretary shall take into account the following:

''(A) The compatibility of participation in professional sports (including training for professional sports) with service on active duty in the Armed Forces or as a member of a reserve component of the Armed Forces.

''(B) The benefits for the Armed Forces of waiving obligations for service on active duty for cadets, midshipmen, and commissioned officers in order to permit such individuals to participate in professional sports.

''(C) The manner in which the military departments have resolved issues relating to the participation of personnel in professional sports, including the extent of and any reasons for, differences in the resolution of such issues by such departments.

''(D) The recoupment of the costs of education provided by the service academies or under the Reserve Officers' Training Corps program if graduates of the service academies or the Reserve Officers' Training Corps, as the case may be, do not complete the period of obligated service to which they have agreed by reason of participation in professional sports.

''(E) Any other matters that the Secretary considers appropriate.

''(b) ELEMENTS OF POLICY.—The policy prescribed under subsection (a) shall address the following matters:

''(1) The eligibility of graduates of the service academies and the Reserve Officers' Training Corps for a reduction in the obligated length of service on active duty as a commissioned officer otherwise required of such graduates on the basis of their participation in professional sports.

''(2) Criteria for the treatment of an individual as a participant or potential participant in professional sports.

''(3) The effect on obligations for service on active duty as a commissioned officer of any unsatisfied obligations under prior enlistment contracts or other forms of advanced education assistance.

''(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

''(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

''(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

''(c) APPLICATION OF POLICY TO ARMED FORCES.—Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under sub-

section (a) with respect to the Armed Forces under the jurisdiction of such Secretary.''

§ 4349. Cadets: organization of Corps; service; instruction

(a) The Corps of Cadets shall be divided into companies, as directed by the Superintendent, for the purpose of military instruction. Each company shall be commanded by a commissioned officer of the Army.

(b) A cadet shall perform duties at such places and of such type as the President may direct.

(c) The course of instruction at the Academy is four years.

(d) The Secretary of the Army shall so arrange the course of studies at the Academy that cadets are not required to pursue their studies on Sunday.

(e) The Corps of Cadets shall be trained in the duties of members of the Army, shall be encamped at least three months in each year, and shall be trained in all duties incident to a camp.

(Aug. 10, 1956, ch. 1041, 70A Stat. 243.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4349(a)	10:1105 (less last sentence).	R.S. 1322. R.S. 1323.
4349(b)	10:1102.	Mar. 30, 1920, ch. 112 (1st par., less provisos, under ''Miscellaneous''), 41 Stat. 548.
4349(c)	10:1043.	
4349(d)	10:1044.	
4349(e)	10:1105 (last sentence).	R.S. 1324.

In subsection (a), the word ''commissioned'' is inserted for clarity; 10:1105 (2d sentence) is omitted as obsolete.

In subsection (b), the word ''perform'' is substituted for the words ''be subject at all times to do''. The words ''of such type'' are substituted for the words ''on such service''.

In subsection (e), the words ''members of the Army'' are substituted for the words ''private soldier, noncommissioned officer, and officer''. The words ''taught and'' are omitted as surplusage.

§ 4350. Cadets: clothing and equipment

(a) The Secretary of the Army may prescribe the amount to be credited to a cadet, upon original admission to the Academy, for the cost of his initial issue of clothing and equipment. That amount shall be deducted from his pay. If a cadet is discharged before graduation while owing the United States for pay advanced for the purchase of required clothing and equipment, he shall turn in so much of his clothing and equipment of a distinctive military nature as is necessary to repay the amount advanced. If the value of the clothing and equipment turned in does not cover the amount owed, the indebtedness shall be canceled.

(b) Under such regulations as the Secretary may prescribe, uniforms and equipment shall be furnished to a cadet at the Academy upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 244.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4350(a)	10:1149a.	Aug. 31, 1918, ch. 166, § 9 (17th through 22d words), 40 Stat. 957.
4350(b)	10:1106.	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
		Aug. 22, 1951, ch. 340, § 1, 65 Stat. 196.

In subsection (a), the words ''while owing the United States for pay advanced for the purchase of'' are substituted for the words ''who is indebted to the United States on account of advances of pay to purchase''. The words ''as is necessary to repay the amount advanced'' are substituted for the words ''to the extent required to discharge such indebtedness''.

In subsection (b), the word ''accouterments'' is omitted as surplusage. The words ''by the Government'' and ''such restrictions and'' are omitted as surplusage. The words ''at cost'' are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

§ 4351. Cadets: deficiencies in conduct or studies; effect of failure on successor

(a) A cadet who is reported as deficient in conduct or studies and recommended to be discharged from the Academy may not, unless recommended by the Academic Board, be returned or reappointed to the Academy.

(b) Any cadet who fails to pass a required examination because he is deficient in any one subject of instruction is entitled to a reexamination of equal scope and difficulty in that subject, if he applies in writing to the Academic Board within 10 days after he is officially notified of his failure. The reexamination shall be held within 60 days after the date of his application. If the cadet passes the reexamination and is otherwise qualified, he shall be readmitted to the Academy. If he fails, he may not have another examination.

(c) The failure of a member of a graduating class to complete the course with his class does not delay the admission of his successor.

(Aug. 10, 1956, ch. 1041, 70A Stat. 244.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4351(a)	10:1104.	Aug. 11, 1916, ch. 314 (3d, 4th, and 5th provisos under ''Permanent Establishment''), 39 Stat. 493. R.S. 1325. June 30, 1950, ch. 421, § 2 (1st proviso), 64 Stat. 304.
4351(b)	10:1103.	
4351(c)	10:1092b (1st proviso).	

In subsection (a), 10:1104 (last 20 words) is omitted as superseded by section 3287(d) of this title.

In subsection (b), the words ''is entitled to'' are substituted for the words ''shall have the right to apply''. The words ''of equal scope and difficulty in that subject'' are substituted for the words ''by compliance with the requirements existing at the time of the first examination''.

In subsection (c), the words ''by reason of sickness, or deficiency in his studies, or other cause'' are omitted as surplusage.

READMISSION TO SERVICE ACADEMIES OF CERTAIN FORMER CADETS AND MIDSHIPMEN

Pub. L. 108–136, div. A, title V, § 525, Nov. 24, 2003, 117 Stat. 1465, provided that:

''(a) INSPECTOR GENERAL REPORT AS BASIS FOR READMISSION.—(1) When a formal report by an Inspector General within the Department of Defense concerning the circumstances of the separation of a cadet or midshipman from one of the service academies contains a specific finding specified in paragraph (2), the Secretary of the military department concerned may use that report as the sole basis for readmission of the former cadet or midshipman to the respective service academy.

''(2) A finding specified in this paragraph is a finding that substantiates that a former service academy cadet or midshipman, while attending the service academy—

''(A) received administrative or punitive action or nonjudicial punishment as a result of reprisal;

''(B) resigned in lieu of disciplinary, administrative, or other action that the formal report concludes constituted a threat of reprisal; or

''(C) otherwise suffered an injustice that contributed to the resignation of the cadet or midshipman.

''(b) READMISSION.—In the case of a formal report by an Inspector General described in subsection (a), the Secretary concerned shall offer the former cadet or midshipman an opportunity for readmission to the service academy from which the former cadet or midshipman resigned, if the former cadet or midshipman is otherwise eligible for such readmission.

''(c) APPLICATIONS FOR READMISSION.—A former cadet or midshipman described in a report referred to in subsection (a) may apply for readmission to the service academy on the basis of that report and shall not be required to submit the request for readmission through a board for the correction of military records.

''(d) REGULATIONS TO MINIMIZE ADVERSE IMPACT UPON READMISSION.—The Secretary of each military department shall prescribe regulations for the readmission of a former cadet or midshipman described in subsection (a), with the goal, to the maximum extent practicable, of readmitting the former cadet or midshipman at no loss of the academic or military status held by the former cadet at the time of resignation.

''(e) CONSTRUCTION WITH OTHER REMEDIES.—This section does not preempt or supersede any other remedy that may be available to a former cadet or midshipman.

''(f) SERVICE ACADEMIES.—In this section, the term 'service academy' means the following:

''(1) The United States Military Academy.

''(2) The United States Naval Academy.

''(3) The United States Air Force Academy.''

§ 4352. Cadets: hazing

(a) Subject to the approval of the Secretary of the Army, the Superintendent of the Academy shall issue regulations—

(1) defining hazing;

(2) designed to prevent that practice; and

(3) prescribing dismissal, suspension, or other adequate punishment for violations.

(b) If a cadet who is charged with violating a regulation issued under subsection (a), the penalty for which is or may be dismissal from the Academy, requests in writing a trial by a general court-martial, he may not be dismissed for that offense except under sentence of such a court.

(c) A cadet dismissed from the Academy for hazing may not be reappointed to the Corps of Cadets, and is ineligible for appointment as a commissioned officer in a regular component of the Army, Navy, Air Force, or Marine Corps, until two years after the graduation of his class.

(Aug. 10, 1956, ch. 1041, 70A Stat. 244.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4352(a)	10:1163 (1st par.).	Mar. 2, 1901, ch. 804 (2d proviso under ''Permanent Establishment''); restated Apr. 19, 1910, ch. 174 (38th par. under ''Buildings and Grounds''), 36 Stat. 323.
4352(b)	10:1163 (1st 32 words of last par.).	
4352(c)	10:1163 (last par., less 1st 32 words).	

In subsection (a), the word ''violations'' is substituted for the words ''infractions of the same''. The words ''to embody a clear'' are omitted as surplusage.

In subsection (b), the words ''the penalty for which is or may be'' are substituted for the words ''which would involve''. The words ''may not be dismissed for that offense except under sentence of such a court'' are substituted for the words ''shall be granted''.

In subsection (c), the words ''a regular component'' are inserted, since the source statute historically applied only to the regular components.

§ 4353. Cadets: degree and commission on graduation

(a) Under such conditions as the Secretary of the Army may prescribe, the Superintendent of the Academy may confer the degree of bachelor of science upon graduates of the Academy.

(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Army under section 531 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 245; Pub. L. 85–861, § 1(103), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 96–513, title V, § 502(26), Dec. 12, 1980, 94 Stat. 2911.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4353(a)	10:486a (less last sentence).	May 25, 1933, ch. 37 (less last sentence); restated Aug. 9, 1946, ch. 932 (less last sentence); restated Aug. 4, 1949, ch. 393, § 13; restated Aug. 18, 1949, ch. 476 (less last sentence), 63 Stat. 615.
4353(b)	10:506c(f) (1st sentence, less last 43 words).	Aug. 7, 1947, ch. 512, § 506(f) (1st sentence, less last 43 words), 61 Stat. 892.

In subsection (a), the last 27 words are substituted for 10:486a (last sentence). The words ''rules and'' and ''from and after the date of the accrediting of said Academy'' are omitted as surplusage. The word ''conditions'' is substituted for the words ''rules and regulations''.

In subsection (b), the words ''except section 541 of this title'' are inserted to reflect the authority to appoint graduates of one service academy as officers of another service.

1958 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4353(b)	10 App.:506c–4(c) (1st sentence).	July 20, 1956, ch. 646, § 103(c) (1st sentence), 70 Stat. 583.

It is unnecessary to include a reference to section 541, since that section does not derogate from the authority granted in this section.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96–513 inserted ''under section 531 of this title'' after ''Regular Army''.

1958—Subsec. (b). Pub. L. 85–861 struck out ''except section 541 of this title'' after ''provision of law''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

DEGREES FOR PERSONS WHO GRADUATED BEFORE ACCREDITING OF MILITARY ACADEMY

Section 35 of act Aug. 10, 1956, provided in part that, under conditions prescribed by the Secretary of the Army, the Superintendent of the United States Military Academy may confer the degree of bachelor of science upon living graduates of the Academy who were graduated before the date of accrediting of the Academy and who have met the requirements of the Academy for that degree.

§ 4354. Buildings and grounds: memorial hall; buildings for religious worship

(a) The memorial hall at the Academy is a repository for statues, busts, mural tablets, portraits of distinguished and deceased officers and graduates of the Academy, paintings of battle scenes, trophies of war, and other objects that may tend to elevate the military profession. No object may be placed in this hall without the approval of two-thirds of the members of the Academic Board of the Academy by a recorded vote taken by ayes and nays.

(b) The Secretary of the Army may authorize any denomination, sect, or religious body to erect a building for religious worship on the West Point Military Reservation, if its erection will not interfere with the use of the reservation for military purposes and will be without expense to the United States. Such a building shall be removed, or its location changed, without compensation for it and without other expense to the United States, by the denomination, sect, or religious body that erected it, whenever in the opinion of the Secretary public or military necessity so requires.

(Aug. 10, 1956, ch. 1041, 70A Stat. 245.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4354(a)	10:1125.	July 23, 1892, ch. 237, § 6, 27 Stat. 263.
4354(b)	10:1126.	July 8, 1898, ch. 636, 30 Stat. 722.

In subsection (a), the words ''and to prevent the introduction of unworthy subjects into this hall'' and ''entire'' are omitted as surplusage.

In subsection (b), the words ''in his discretion'' and ''Government of'' are omitted as surplusage. The words ''United States'' are substituted for the word ''Government''.

§ 4355. Board of Visitors

(a) A Board of Visitors to the Academy is constituted annually of—

(1) the chairman of the Committee on Armed Services of the Senate, or his designee;

(2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

(3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;

(4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and

(5) six persons designated by the President.

(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Army, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing his duties, each member of the Board and each adviser shall be reimbursed under Government travel regulations for his travel expenses.

(Aug. 10, 1956, ch. 1041, 70A Stat. 245; Pub. L. 96–579, § 13(a), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 104–106, div. A, title X, § 1061(e)(2), title XV, § 1502(a)(12), Feb. 10, 1996, 110 Stat. 443, 503; Pub. L. 106–65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4355(a)	10:1055.	June 29, 1948, ch. 714, §§ 1–6, 62 Stat. 1094; June 30, 1954, ch. 432, § 732, 68 Stat. 356.
	10:1056 (1st sentence).	
4355(b)	10:1056 (less 1st sentence).	
4355(c)	10:1057.	
4355(d)	10:1058.	
4355(e)	10:1059(a).	
4355(f)	10:1059(b).	
4355(g)	10:1059(c).	
4355(h)	10:1060.	

In subsections (a) and (b), the word ''designated'' is substituted for the word ''appointed'' to make it clear that the positions described are not constitutional offices.

Subsection (b) is substituted for 10:1056(e) (2d sentence).

In subsection (c), the words ''during the term for which such member was appointed'' and ''Such successor shall be appointed who died or resigned'' are omitted as surplusage.

In subsection (g), the words ''as it may deem necessary or advisable effectuate the duties imposed upon it by the provisions of sections 1055–1060 of this title'' are omitted as surplusage.

In subsection (h), the words ''called for consultation by the Board in connection with the business of the Board'' are omitted as surplusage.

AMENDMENTS

1999—Subsec. (a)(3). Pub. L. 106–65, substituted ''Committee on Armed Services'' for ''Committee on National Security''.

1996—Subsec. (a)(3). Pub. L. 104–106, § 1502(a)(12), substituted ''National Security'' for ''Armed Services''.

Subsec. (h). Pub. L. 104–106, § 1061(e)(2), struck out ''is entitled to not more than $5 a day and'' after ''each adviser''.

1980—Subsec. (b). Pub. L. 96–579 required member whose term of office had expired to continue service until appointment of a successor.

§ 4356. Use of certain gifts

Under regulations prescribed by the Secretary of the Army, the Superintendent of the Academy may (without regard to section 2601 of this title) accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $20,000 or less made to the United States on the condition that such gift, devise, or bequest be used for the benefit of the Academy or any entity thereof. The Secretary may pay or authorize the payment of all reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this section.

(Added Pub. L. 97–295, § 1(41)(A), Oct. 12, 1982, 96 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4356	10:4334 (note).	Sept. 8, 1982, Pub. L. 97–252, § 1133(a), 96 Stat. 761.

The word ''Academy'' is substituted for ''United States Military Academy'' for consistency in title 10.

APPLICABILITY OF SECTION

Pub. L. 97–252, title XI, § 1133, Sept. 8, 1982, 96 Stat. 761, provided that:

''(a) [Repealed and reenacted as section 4356 of this title by Pub. L. 97–295, §§ 1(41)(A), 6(b), Oct. 12, 1982, 96 Stat. 1297, 1315.]

''(b) This section [section 4356 of this title] applies with respect to any gift, devise, or bequest made on or after the date of the enactment of this Act [Sept. 8, 1982] for the purpose described in subsection (a) [section 4356 of this title] and applies to any such gift, devise, or bequest, or devise made before the date of the enactment of this Act with respect to which the Secretary of the Army has approved application of this section rather than section 2601 of title 10, United States Code.''

§ 4357. Acceptance of guarantees with gifts for major projects

(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Army may accept from a donor or donors a qualified guarantee for the completion of a major project for the benefit of the Academy.

(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Army may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress or, if earlier, the expiration of 14 days following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Army may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

(e) DEFINITIONS.—In this section:

(1) MAJOR PROJECT.—The term ''major project'' means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least $1,000,000.

(2) QUALIFIED GUARANTEE.—The term ''qualified guarantee'', with respect to a major project, means a guarantee that—

(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Army, is sufficient to defray a substantial portion of the total cost of the project;

(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

(D) is accompanied by—

(i) an irrevocable and unconditional standby letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

(ii) a qualified account control agreement.

(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term ''qualified account control

agreement'', with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Army, and a major United States investment management firm that—

(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available for liens and security interests under applicable law;

(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term ''major United States commercial bank'' means a commercial bank that—

(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(B) is headquartered in the United States; and

(C) has net assets in a total amount considered by the Secretary of the Army to qualify the bank as a major bank.

(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term ''major United States investment management firm'' means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2)) or a major United States commercial bank that—

(A) is headquartered in the United States; and

(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Army to qualify the firm as a major investment management firm.

(Added Pub. L. 106–65, div. B, title XXVIII, § 2871(a)(1), Oct. 5, 1999, 113 Stat. 871; amended Pub. L. 106–398, § 1 [[div. A], title X, § 1087(a)(17)], Oct. 30, 2000, 114 Stat. 1654, 1654A–291; Pub. L. 108–136, div. A, title X, § 1031(a)(54), Nov. 24, 2003, 117 Stat. 1603.)

PRIOR PROVISIONS

A prior section 4357, added Pub. L. 103–337, div. A, title V, § 556(a)(1), Oct. 5, 1994, 108 Stat. 2774, related to position of athletic director of Academy and to administration of nonappropriated fund account for athletics program of Academy, prior to repeal by Pub. L. 104–106, div. A, title V, § 533(a)(1), Feb. 10, 1996, 110 Stat. 315.

AMENDMENTS

2003—Subsec. (c). Pub. L. 108–136 inserted before period at end ''or, if earlier, the expiration of 14 days following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title''.

2000—Subsec. (e)(5). Pub. L. 106–398 inserted a closing parenthesis after ''80b–2)''.

§ 4358. Grants for faculty research for scientific, literary, and educational purposes: acceptance; authorized grantees

(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Army may authorize the Superintendent of the Academy to accept qualifying research grants under this section. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The Superintendent shall use the funds in the account in accordance with applicable regulations and the terms and conditions of the grants received.

(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, award of a qualifying research grant.

(f) REGULATIONS.—The Secretary of the Army shall prescribe regulations for the administration of this section.

(Added Pub. L. 105–261, div. A, title X, § 1063(a)(1), Oct. 17, 1998, 112 Stat. 2130.)

§ 4359. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

(a) AUTHORITY.—In the case of an Academy mixed-funded athletic or recreational extracurricular program, the Secretary of the Army may designate funds appropriated to the Department of the Army and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

(b) COVERED PROGRAMS.—In this section, the term ''Academy mixed-funded athletic or recreational extracurricular program'' means an

athletic or recreational extracurricular program of the Academy to which each of the following applies:

(1) The program is not considered a morale, welfare, or recreation program.

(2) The program is supported through appropriated funds.

(3) The program is supported by a nonappropriated fund instrumentality.

(4) The program is not a private organization and is not operated by a private organization.

(Added Pub. L. 108–375, div. A, title V, § 544(a)(1), Oct. 28, 2004, 118 Stat. 1906.)

EFFECTIVE DATE

Pub. L. 108–375, div. A, title V, § 544(d), Oct. 28, 2004, 118 Stat. 1907, provided that: ''Sections 4359, 6978, and 9359 of title 10, United States Code, shall apply only with respect to funds appropriated for fiscal years after fiscal year 2004.''

§ 4360. Cadets: charges and fees for attendance; limitation

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.

(Added Pub. L. 108–375, div. A, title V, § 545(a)(1), Oct. 28, 2004, 118 Stat. 1908.)

§ 4361. Policy on sexual harassment and sexual violence

(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of Defense, the Secretary of the Army shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretary of the Army, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Army shall conduct a survey, to be administered by the Department of Defense, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the Army

and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(Added Pub. L. 109–364, div. A, title V, § 532(a)(1), Oct. 17, 2006, 120 Stat. 2200.)

FURTHER INFORMATION FROM CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES ON SEXUAL ASSAULT AND SEXUAL HARASSMENT ISSUES

Pub. L. 109–364, div. A, title V, § 532(b), Oct. 17, 2006, 120 Stat. 2205, provided that:

''(1) USE OF FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of a military department is not required by law to conduct a survey at the service academy under the Secretary's jurisdiction on matters relating to sexual assault and sexual harassment issues at that Academy, the Secretary shall provide for focus groups to be conducted at that Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at that Academy.

''(2) INCLUSION IN REPORT.—Information ascertained from a focus group conducted pursuant to paragraph (1) shall be included in the Secretary's annual report to Congress on sexual harassment and sexual violence at the service academies.

''(3) SERVICE ACADEMIES.—For purposes of this subsection, the term 'service academy' means the following:

''(A) The United States Military Academy.

''(B) The United States Naval Academy.

''(C) The United States Air Force Academy.''

[CHAPTER 405—REPEALED]

[§§ 4381 to 4387. Repealed. Pub. L. 88–647, title III, § 301(10), Oct. 13, 1964, 78 Stat. 1072]

Sections, act Aug. 10, 1956, ch. 1041, 70A Stat. 246–248, related to the Reserve Officers' Training Corps and defined ''advanced training'', provided for its establishment and composition, admission and training of medical, dental pharmacy and veterinary students, set out courses of training, authorized the operation and maintenance of training camps, provided for supplies and uniforms and for advanced training and compensation therefor. See chapter 103 of this title.

Section 4384 was amended by Pub. L. 85–861, § 1(104), Sept. 2, 1958, 72 Stat. 1489.

CHAPTER 407—SCHOOLS AND CAMPS

Sec.
4411. Establishment: purpose.
4412. Operation.
4413. Transportation and subsistence during travel.
4414. Quartermaster and ordnance property: sales.
[4415. Repealed.]
4416. Academy of Health Sciences: admission of civilians in physician assistant training program.
4417. United States Army War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.

AMENDMENTS

2006—Pub. L. 109–163, div. A, title V, § 522(b)(2), Jan. 6, 2006, 119 Stat. 3241, added item 4417.

2000—Pub. L. 106–398, § 1 [[div. A], title IX, § 911(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–228, struck out item 4415 ''United States Army School of the Americas''.

1997—Pub. L. 105–85, div. A, title VII, § 741(a)(2), Nov. 18, 1997, 111 Stat. 1817, added item 4416.

1987—Pub. L. 100–180, div. A, title III, § 319(a)(2), Dec. 4, 1987, 101 Stat. 1077, added item 4415.

§ 4411. Establishment: purpose

The Secretary of the Army may maintain schools and camps for the military instruction and training of persons selected, upon their application, from warrant officers and enlisted members of the Army and civilians, to qualify them for appointment as reserve officers, or enlistment as reserve noncommissioned officers, for service in the Army Reserve.

(Aug. 10, 1956, ch. 1041, 70A Stat. 249.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4411	10:442 (words before 1st semicolon of 1st sentence).	June 3, 1916, ch. 134, § 47d (words before 1st semicolon of 1st sentence); added June 4, 1920, ch. 227, subch. I, § 34 (words before 1st semicolon of 1st sentence of last par.), 41 Stat. 779.

The words ''upon military reservations or elsewhere'' are omitted as surplusage. The words ''or enlistment as'' are inserted for clarity. The words ''of the Army'' are inserted for clarity.

AUTHORIZATION FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE CENTER OF DEFENSE LANGUAGE INSTITUTE

Pub. L. 103–337, div. A, title V, § 559, Oct. 5, 1994, 108 Stat. 2776, as amended by Pub. L. 104–201, div. A, title III, § 371, Sept. 23, 1996, 110 Stat. 2499; Pub. L. 105–85, div. A, title X, § 1073(c)(3), Nov. 18, 1997, 111 Stat. 1904, authorized the Secretary of the Army to enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) under which students enrolled at an institution of higher education that was a party to the agreement could receive instruction at the Foreign Language Center of the Defense Language Institute on a space-available basis and to permit other persons who would benefit from the instruction provided at the Center to receive instruction at the Center on a cost-reimbursable, space-available basis, provided that no student could be admitted to the Center to commence a program of instruction beginning after Sept. 30, 1997.

§ 4412. Operation

In maintaining schools and camps established under section 4411 of this title, the Secretary of the Army may—

(1) prescribe the periods during which they will be operated;

(2) prescribe regulations for their administration;

(3) prescribe the courses to be taught;

(4) detail members of the Regular Army to designated duties relating to the camps;

(5) use necessary supplies and transportation;

(6) furnish uniforms, subsistence, and medical attendance and supplies to persons attending the camps; and

(7) authorize necessary expenditures from proper Army funds for—

(A) water;

(B) fuel;

(C) light;

(D) temporary structures, except barracks and officers' quarters;

(E) screening;

(F) damages resulting from field exercises;

(G) expenses incident to theoretical winter instruction of trainees; and

(H) other expenses incident to maintaining the camps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 249.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4412	10:442 (47 words after 1st semicolon, and 72 words before 3d semicolon, of 1st sentence; and last sentence).	June 3, 1916, ch. 134, § 47d (47 words after 1st semicolon, and 72 words before 3d semicolon, of 1st sentence; and last sentence); added June 4, 1920, ch. 227, subch. I, § 34 (47 words after 1st semicolon, and 72 words before 3d semicolon, of 1st sentence; and last sentence of last par.), 41 Stat. 779.

The word ''supplies'' is substituted for the words ''such arms, ammunition, accoutrements, equipments, tentage, field equipage'', since, under the definition of the word ''supplies'', in section 101(26) of this title, those words are covered by the word ''supplies''. The words ''belonging to the United States'', ''and imparting military instruction and training thereat'', ''during the period of their attendance'', ''theoretical and practical instruction'', ''persons attending the camps authorized by this section'', and ''as he may deem'' are omitted as surplusage. The word ''detail'' is substituted for the word ''employ''. The word ''members'' is substituted for the words ''officers, warrant officers, and enlisted men''.

§ 4413. Transportation and subsistence during travel

(a) There may be furnished to a person attending a school or camp established under section 4411 of this title, for travel to and from that school or camp—

(1) transportation and subsistence;

(2) transportation in kind and a subsistence allowance of one cent a mile; or

(3) a travel allowance of five cents a mile.

(b) The travel allowance for the return trip may be paid in advance.

(c) For the purposes of this section, distance is computed by the shortest usually traveled route, within such territorial limits as the Secretary of the Army may prescribe, from the authorized starting point to the school or camp and return.

(Aug. 10, 1956, ch. 1041, 70A Stat. 250.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4413	10:442 (words between 1st and 3d semicolons, less 47 words after 1st semicolon and less 72 words before 3d semicolon, of 1st sentence).	June 3, 1916, ch. 134, § 47d (words between 1st and 3d semicolons, less 47 words after 1st semicolon, and less 72 words before 3d semicolon, of 1st sentence); added June 4, 1920, ch. 227, § 34 (words between 1st and 3d semicolons, less 47 words after 1st semicolon, and less 72 words before 3d semicolon, of 1st sentence of last par.), 41 Stat. 779; Mar. 9, 1928, ch. 161, 45 Stat. 251.

In subsection (a), the introductory clause is inserted for clarity. The words ''at the option of the Secretary of the Army'' are omitted as surplusage.

In subsection (b), the words ''of the actual performance of the same'' are omitted as surplusage.

Subsection (c) is substituted for the words ''the most usual and direct route within such limits as to territory as the Secretary of the Army may prescribe for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp, and for the return travel thereto''.

§ 4414. Quartermaster and ordnance property: sales

The Secretary of the Army may sell to a person attending a school or camp established under section 4411 of this title quartermaster and ordnance property necessary for his proper equipment. Sales under this section shall be for cash.

(Aug. 10, 1956, ch. 1041, 70A Stat. 250.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4414	10:442 (words after 3d semicolon of 1st sentence; and 2d sentence).	June 3, 1916, ch. 134, § 47d (words after 3d semicolon of 1st sentence; and 2d sentence); added June 4, 1920, ch. 227, § 34 (words after 3d semicolon of 1st sentence; and 2d sentence of last par.), 41 Stat. 779.

10:442 (2d sentence) is omitted, as superseded by section 10 of the Act of June 26, 1934, ch. 756, 48 Stat. 1229 (31 U.S.C. 725i), which limits credits to the replacing account to the actual cost of the items sold. The words ''necessary for his proper equipment'' are substituted for 10:442 (last 22 words of 1st sentence). The words ''and at cost price, plus 10 per centum'' are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

[§ 4415. Repealed. Pub. L. 106–398, § 1 [[div. A], title IX, § 911(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–228]

Section, added Pub. L. 100–180, div. A, title III, § 319(a)(1), Dec. 4, 1987, 101 Stat. 1077; amended Pub. L. 100–526, title I, § 106(c), Oct. 24, 1988, 102 Stat. 2625, related to United States Army School of the Americas.

§ 4416. Academy of Health Sciences: admission of civilians in physician assistant training program

(a) IN GENERAL.—The Secretary of the Army may, pursuant to an agreement entered into with an accredited institution of higher education—

(1) permit students of the institution to attend the didactic portion of the physician assistant training program conducted by the Army Medical Department at the Academy of Health Sciences at Fort Sam Houston, Texas; and

(2) accept from the institution academic services to support the physician assistant training program at the Academy.

(b) AGREEMENT FOR EXCHANGE OF SERVICES.—An agreement entered into with an institution of higher education under this section shall require the institution, in exchange for services provided under paragraph (1) of subsection (a), to provide academic services described in paragraph (2) of such subsection that the Secretary and authorized representatives of the institution consider appropriate.

(c) SELECTION OF STUDENTS.—In consultation with the authorized representatives of the institution of higher education concerned, the Secretary shall prescribe the qualifications and methods of selection for students of the institution to receive instruction at the Academy under this section. The qualifications shall be comparable to those generally required for admission to the physician assistant training program at the Academy.

(d) RULES OF ATTENDANCE.—Except as the Secretary determines necessary, a student who receives instruction at the Academy under this section shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to other persons attending the Academy.

(e) LIMITATIONS.—The Secretary shall ensure the following:

(1) That the Army Medical Department, in carrying out an agreement under this section, does not incur costs in excess of the costs that the department would incur to obtain, by means other than the agreement, academic services that are comparable to those provided by the institution pursuant to the agreement.

(2) That attendance of civilian students at the Academy under this section does not cause a decrease in the number of members of the armed forces enrolled in the physician assistant training program at the Academy.

(Added Pub. L. 105–85, div. A, title VII, § 741(a)(1), Nov. 18, 1997, 111 Stat. 1816; amended Pub. L. 107–314, div. A, title X, § 1041(a)(19), Dec. 2, 2002, 116 Stat. 2645.)

AMENDMENTS

2002—Subsec. (f). Pub. L. 107–314 struck out heading and text of subsec. (f). Text read as follows:

''(1) Each year, the Secretary shall submit to Congress a report on the exchange of services under this section during the year. The report shall contain the following:

''(A) The number of civilian students who receive instruction at the Academy under this section.

''(B) An assessment of the benefits derived by the United States.

''(2) Reports are required under paragraph (1) only for years during which an agreement is in effect under this section.''

§ 4417. United States Army War College: acceptance of grants for faculty research for scientific, literary, and educational purposes

(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Army may authorize the Commandant of the United States Army War College to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the College for a scientific, literary, or educational purpose.

(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Army War College may be used to pay expenses incurred by the College in applying for, and otherwise pursuing, the award of qualifying research grants.

(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.

(Added Pub. L. 109–163, div. A, title V, § 522(b)(1), Jan. 6, 2006, 119 Stat. 3240.)

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

Chap.		Sec.
[431.	Repealed.]	
433.	Procurement	4531
434.	Armaments Industrial Base	4551
435.	Issue of Serviceable Material to Armed Forces	4561
437.	Utilities and Services	4591
439.	Sale of Serviceable Material	4621
441.	Issue of Serviceable Material Other Than to Armed Forces	4651
443.	Disposal of Obsolete or Surplus Material	4681
445.	Disposition of Effects of Deceased Persons; Captured Flags	4712
447.	Transportation	4741
449.	Real Property	4771
451.	Military Claims	4801
453.	Accountability and Responsibility	4831

AMENDMENTS

2000—Pub. L. 106–398, § 1 [[div. A], title III, § 344(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–71, added item for chapter 434.

1999—Pub. L. 106–65, div. A, title VII, § 721(c)(7), Oct. 5, 1999, 113 Stat. 695, substituted ''Disposition'' for ''Inquests; Disposition'' and ''4712'' for ''4711'' in item for chapter 445.

1993—Pub. L. 103–160, div. A, title VIII, § 828(b)(2), Nov. 30, 1993, 107 Stat. 1714, struck out item for chapter 431 ''Industrial Mobilization, Research, and Development''.

[CHAPTER 431—REPEALED]

[§§ 4501 to 4508. Repealed. Pub. L. 103–160, div. A, title VIII, §§ 822(a)(2), (b)(3), (c)(2), 823(1), 827(c), 828(c)(6), Nov. 30, 1993, 107 Stat. 1705–1707, 1713, 1714]

Section 4501, act Aug. 10, 1956, ch. 1041, 70A Stat. 251, related to industrial mobilization by the President in time of war. See section 2538 of this title.

Section 4502, act Aug. 10, 1956, ch. 1041, 70A Stat. 252, related to maintenance by Secretary of the Army of lists of plants equipped to manufacture arms or ammunition and of plants convertible into ammunition factories and provided for a Board on Mobilization of Industries Essential for Military Preparedness. See sections 2539 and 2539a of this title.

Section 4503, act Aug. 10, 1956, ch. 1041, 70A Stat. 252, related to research and development programs of the Army.

Section 4504, act Aug. 10, 1956, ch. 1041, 70A Stat. 252, related to procurement of ordnance, signal, and chemical warfare supplies for experimental purposes by Secretary of the Army. See section 2373 of this title.

Section 4505, act Aug. 10, 1956, ch. 1041, 70A Stat. 252, related to procurement by Secretary of the Army of production equipment.

Section 4506, act Aug. 10, 1956, ch. 1041, 70A Stat. 253, related to sale, loan, or gift of samples, drawings, and information to contractors.

Section 4507, act Aug. 10, 1956, ch. 1041, 70A Stat. 253, related to sale of ordnance and ordnance stores to designers.

Section 4508, acts Aug. 10, 1956, ch. 1041, 70A Stat. 253; Nov. 2, 1966, Pub. L. 89–718, § 27, 80 Stat. 1119, related tests of iron, steel, and other materials.

CHAPTER 433—PROCUREMENT

Sec.
[4531. Repealed.]
4532. Factories and arsenals: manufacture at; abolition of.
[4533 to 4535. Repealed.]
4536. Equipment: post bakeries, schools, kitchens, and mess halls.
[4537 to 4539. Repealed.]
4540. Architectural and engineering services.
4541. Army arsenals: treatment of unutilized or underutilized plant-capacity costs.
4542. Technical data packages for large-caliber cannon: prohibition on transfers to foreign countries; exception.
4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.
4544. Army industrial facilities: cooperative activities with non-Army entities.

AMENDMENTS

2004—Pub. L. 108–375, div. A, title III, § 353(b), Oct. 28, 2004, 118 Stat. 1861, added item 4544.

2000—Pub. L. 106–398, § 1 [[div. A], title III, § 342(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–65, added item 4541.

1993—Pub. L. 103–160, div. A, title I, § 158(a)(2), title VIII, § 828(a)(5), Nov. 30, 1993, 107 Stat. 1582, 1713, struck out items 4531 ''Authorization'', 4533 ''Army ration'', 4534 ''Subsistence supplies: contract stipulations; place of delivery on inspection'', 4535 ''Exceptional subsistence supplies: purchase without advertising'', 4537 ''Military surveys and maps: assistance of United States mapping agencies'', 4538 ''Unserviceable ammunition: exchange and reclamation'', and 4541 ''Gratuitous services of officers of the Army Reserve'' and added item 4543.

1986—Pub. L. 99–500, § 101(c) [title IX, § 9036(b)(2)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–108, and Pub. L. 99–591, § 101(c) [title IX, § 9036(b)(2)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–108; Pub. L. 99–661, div. A, title XII, § 1203(a)(2), Nov. 14, 1986, 100 Stat. 3969, amended analysis identically adding item 4542.

1982—Pub. L. 97–258, § 2(b)(9)(A), Sept. 13, 1982, 96 Stat. 1056, added item 4541.

1970—Pub. L. 91–482, § 2A, Oct. 21, 1970, 84 Stat. 1082, struck out item 4539 ''Horses and mules''.

[§ 4531. Repealed. Pub. L. 103–160, div. A, title VIII, § 823(2), Nov. 30, 1993, 107 Stat. 1707]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 253, authorized Secretary of the Army to procure materials and facilities necessary to maintain and support the Army.

§ 4532. Factories and arsenals: manufacture at; abolition of

(a) The Secretary of the Army shall have supplies needed for the Department of the Army made in factories or arsenals owned by the United States, so far as those factories or arsenals can make those supplies on an economical basis.

(b) The Secretary may abolish any United States arsenal that he considers unnecessary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 254.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4532(a)	5:181–4(e).	June 28, 1950, ch. 383, § 101(e), 64 Stat. 264.
4532(b)	50:55.	R.S. 1666.

The words ''Except as otherwise provided by law'', in 5:181–4(e), are omitted, since there is no law within the scope of the exception. The word ''made'' is substituted for the words ''manufactured or produced''. The words ''United States'' are substituted for the word ''Government'', in 5:181–4(e). The words ''which he considers'' are substituted for the words ''as, in his judgment'', in 50:55. The words ''useless or'', in 50:55, are omitted as surplusage.

SALE OF ARSENAL

Act Mar. 3, 1875, ch. 174, 18 Stat. 510, authorized the sale of the arsenal at Detroit, Michigan.

[§§ 4533 to 4535. Repealed. Pub. L. 103–160, div. A, title VIII, § 823(3)–(5), Nov. 30, 1993, 107 Stat. 1707]

Section 4533, act Aug. 10, 1956, ch. 1041, 70A Stat. 254, related to purchases of army rations.

Section 4534, act Aug. 10, 1956, ch. 1041, 70A Stat. 254, related to subsistence supplies, contract stipulations, and place of delivery on inspection.

Section 4535, act Aug. 10, 1956, ch. 1041, 70A Stat. 254, provided that exceptional subsistence supplies could be purchased without advertising.

§ 4536. Equipment: post bakeries, schools, kitchens, and mess halls

Money necessary for the following items for the use of enlisted members of the Army may be spent from appropriations for regular supplies:

(1) Equipment for post bakeries.

(2) Furniture, textbooks, paper, and equipment for post schools.

(3) Tableware and mess furniture for kitchens and mess halls.

(Aug. 10, 1956, ch. 1041, 70A Stat. 254.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4536	10:1334.	June 13, 1890, ch. 423 (1st proviso under ''Quartermaster's Department''), 26 Stat. 152.

The words ''Money necessary may be spent'' are substituted for the words ''There may be expended the amounts required''. The word ''bakeries'' is substituted for the words ''bake house to carry on post bakeries''. The words ''each and all'' are omitted as surplusage.

[§§ 4537, 4538. Repealed. Pub. L. 103–160, div. A, title VIII, § 823(6), (7), Nov. 30, 1993, 107 Stat. 1707]

Section 4537, acts Aug. 10, 1956, ch. 1041, 70A Stat. 254; Nov. 2, 1966, Pub. L. 89–718, § 8(a), 80 Stat. 1117; Dec. 12, 1980, Pub. L. 96–513, title V, § 512(14), 94 Stat. 2930, authorized Secretary of the Army to obtain assistance of United States mapping agencies in making and developing military surveys and maps.

Section 4538, acts Aug. 10, 1956, ch. 1041, 70A Stat. 255; Dec. 12, 1980, Pub. L. 96–513, title V, § 512(15), 94 Stat. 2930, related to exchange and reclamation of unserviceable ammunition.

[§ 4539. Repealed. Pub. L. 91–482, § 1(a), Oct. 21, 1970, 84 Stat. 1082]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 255, provided for purchase of horses and mules in open market at Army posts, within maximum prices prescribed by Secretary of the Army.

§ 4540. Architectural and engineering services

(a) Whenever he considers that it is advantageous to the national defense and that existing facilities of the Department of the Army are inadequate, the Secretary of the Army may, by contract or otherwise, employ the architectural or engineering services of any person outside that Department for producing and delivering designs, plans, drawings, and specifications needed for any public works or utilities project of the Department.

(b) The fee for any service under this section may not be more than 6 percent of the estimated cost, as determined by the Secretary, of the project to which it applies.

(c) Sections 305, 3324, and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5 do not apply to employment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 255; Pub. L. 89–718, § 28, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 95–454, title VII, § 703(c)(3), title VIII, § 801(a)(3)(I), Oct. 13, 1978, 92 Stat. 1217, 1222; Pub. L. 96–513, title V, § 512(16), Dec. 12, 1980, 94 Stat. 2930.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4540(a)	5:221 (1st sentence, less last 15 words).	Aug. 7, 1939, ch. 511, § 2, 53 Stat. 1240.
4540(b)	5:221 (less 1st sentence).	
4540(c)	5:221 (last 15 words of 1st sentence).	

In subsection (a), the words ''and providing that in the opinion'' are omitted as covered by the words ''whenever he considers''. The words ''needed for'' are substituted for the words ''required for the accomplishment of''.

In subsection (c), reference is made in substance to the Classification Act of 1949, instead of the Classification Act of 1923 referred to in the source statute, since section 1106(a) of the Classification Act of 1949, 63 Stat. 972, provides that all references in other acts to the Classification Act of 1923 should be considered to refer to the Classification Act of 1949.

AMENDMENTS

1980—Subsec. (c). Pub. L. 96–513 substituted ''and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5'' for ''5101–5115, 5331–5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of title 5''.

1978—Subsec. (c). Pub. L. 95–454, § 801(a)(3)(I), inserted reference to subchapter VI of chapter 53 of title 5.

Pub. L. 95–454, § 703(c)(3), substituted ''7204'' for ''7154''.

1966—Subsec. (c). Pub. L. 89–718 substituted ''Sections 305, 3324, 5101–5115, 5331–5338, 5341, 5342, and 7154 of title 5'' for ''Sections 1071–1153 of title 5''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 703(c)(3) of Pub. L. 95–454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of Title 5, Government Organization and Employees.

Amendment by section 801(a)(3)(I) of Pub. L. 95–454 effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4) of Pub. L. 95–454, set out as an Effective Date note under section 5361 of Title 5.

§ 4541. Army arsenals: treatment of unutilized or underutilized plant-capacity costs

(a) ESTIMATE OF COSTS.—The Secretary of the Army shall include in the budget justification documents submitted to Congress in support of the President's budget for a fiscal year submitted under section 1105 of title 31 an estimate of the funds to be required in that fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals.

(b) USE OF FUNDS.—Funds appropriated to the Secretary of the Army for a fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals shall be used in such fiscal year only for such costs.

(c) TREATMENT OF COSTS.—(1) The Secretary of the Army shall not include unutilized and underutilized plant-capacity costs when evaluating the bid of an Army arsenal for purposes of the arsenal's contracting to provide a good or service to a Government agency.

(2) When an Army arsenal is serving as a subcontractor to a private-sector entity with respect to a good or service to be provided to a Government agency, the cost charged by the arsenal shall not include unutilized and underutilized plant-capacity costs that are funded by a direct appropriation.

(d) DEFINITIONS.—In this section:

(1) The term ''Army arsenal'' means a Government-owned, Government-operated defense plant of the Department of the Army that manufactures weapons, weapon components, or both.

(2) The term ''unutilized and underutilized plant-capacity costs'' means the costs associated with operating and maintaining the facilities and equipment of an Army arsenal that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20 percent or less of available work days.

(Added Pub. L. 106–398, § 1 [[div. A], title III, § 342(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–64.)

PRIOR PROVISIONS

A prior section 4541, added Pub. L. 97–258, § 2(b)(9)(B), Sept. 13, 1982, 96 Stat. 1056, authorized Secretary of the Army to accept gratuitous services of officers of the Army Reserve, prior to repeal by Pub. L. 103–160, div. A, title VIII, § 822(d)(2), Nov. 30, 1993, 107 Stat. 1707. See section 10212 of this title.

§ 4542. Technical data packages for large-caliber cannon: prohibition on transfers to foreign countries; exception

(a) GENERAL RULE.—Funds appropriated to the Department of Defense may not be used—

(1) to transfer to a foreign country a technical data package for a defense item being manufactured or developed in an arsenal; or

(2) to assist a foreign country in producing such a defense item.

(b) EXCEPTION.—The Secretary of the Army may use funds appropriated to the Department of Defense to transfer a technical data package, or to provide assistance, described in subsection (a) if—

(1) the transfer or provision of assistance is to a friendly foreign country (as determined by the Secretary of Defense in consultation with the Secretary of State);

(2) the Secretary of the Army determines that such action—

(A) would have a clear benefit to the preservation of the production base for the production of cannon at the arsenal concerned; and

(B) would not transfer technology (including production techniques) considered unique to the arsenal concerned, except as provided in subsection (e); and

(3) the Secretary of Defense enters into an agreement with the country concerned described in subsection (c) or (d).

(c) COPRODUCTION AGREEMENTS.—An agreement under this subsection shall be in the form of a Government-to-Government Memorandum of Understanding and shall include provisions that—

(1) prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

(2) require that production by the participating foreign country of the defense item to which the technical data package or assistance relates be shared with the arsenal concerned;

(3) subject to such exceptions as may be approved under subsection (f), prohibit transfer by the participating foreign country to a third party or country of—

(A) any defense article, technical data package, technology, or assistance provided by the United States under the agreement; and

(B) any defense article produced by the participating foreign country under the agreement; and

(4) require the Secretary of Defense to monitor compliance with the agreement and the participating foreign country to report periodically to the Secretary of Defense concerning the agreement.

(d) COOPERATIVE PROJECT AGREEMENTS.—An agreement under this subsection is a cooperative project agreement under section 27 of the Arms Export Control Act (22 U.S.C. 2767) which includes provisions that—

(1) for development phases describe the technical data to be transferred and for the production phase prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

(2) require that at least the United States production of the defense item to which the technical data package or assistance relates be carried out by the arsenal concerned; and

(3) require the Secretary of Defense to monitor compliance with the agreement.

(e) LICENSING FEES AND ROYALTIES.—The limitation in subsection (b)(2)(B) shall not apply if the technology (or production technique) transferred is subject to nonexclusive license and payment of any negotiated licensing fee or royalty that reflects the cost of development, implementation, and prove-out of the technology or production technique. Any negotiated license fee or royalty shall be placed in the operating fund of the arsenal concerned for the purpose of capital investment and technology development at that arsenal.

(f) TRANSFERS TO THIRD PARTIES.—A transfer described in subsection (c)(3) may be made if—

(1) the defense article, technical data package, or technology to be transferred is a product of a cooperative research and development program or a cooperative project in which the United States and the participating foreign country were partners; or

(2) the President—

(A) complies with all requirements of section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) with respect to such transfer; and

(B) certifies to Congress, before the transfer, that the transfer would provide a clear benefit to the production base of the United States for large-caliber cannon.

(g) NOTICE AND REPORTS TO CONGRESS.—(1) The Secretary of the Army shall submit to Congress a notice of each agreement entered into under this section.

(2) The Secretary shall submit to Congress a semi-annual report on the operation of this section and of agreements entered into under this section.

(h) ARSENAL DEFINED.—In this section, the term ''arsenal'' means a Government-owned, Government-operated defense plant that manufactures large-caliber cannon.

(Added Pub. L. 99–500, § 101(c) [title IX, § 9036(b)(1)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–107, and Pub. L. 99–591, § 101(c) [title IX, § 9036(b)(1)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–107; Pub. L. 99–661, div. A, title XII, § 1203(a)(1), Nov. 14, 1986, 100 Stat. 3968; amended Pub. L. 101–189, div. A, title VIII, § 806, Nov. 29, 1989, 103 Stat. 1489; Pub. L. 102–190, div. A, title X, §§ 1061(a)(24), 1086, Dec. 5, 1991, 105 Stat. 1473, 1483.)

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500. Pub. L. 99–500, Pub. L. 99–591, and Pub. L. 99–661 added identical sections.

AMENDMENTS

1991—Subsec. (b)(1). Pub. L. 102–190, § 1086(a), substituted ''friendly foreign country'' for ''member nation of the North Atlantic Treaty Organization or a country designated as a major non-NATO ally''.

Subsec. (c)(3). Pub. L. 102–190, §§ 1061(a)(24)(A), 1086(b)(1), amended par. (3) identically, substituting ''subsection (f)'' for ''subsection (d)'' in introductory provisions.

Subsec. (f). Pub. L. 102–190, §§ 1061(a)(24)(B), 1086(b)(2), amended subsec. identically, substituting ''subsection (c)(3)'' for ''subsection (b)(3)'' in introductory provisions.

1989—Subsec. (b)(1). Pub. L. 101–189, § 806(a)(1), substituted ''a member nation of the North Atlantic Treaty Organization or a country designated as a major non-NATO ally'' for ''a friendly foreign country''.

Subsec. (b)(2)(B). Pub. L. 101–189, § 806(a)(2), inserted '', except as provided in subsection (e)'' after ''arsenal concerned''.

Subsec. (b)(3). Pub. L. 101–189, § 806(a)(3), inserted ''or (d)'' after ''subsection (c)''.

Subsecs. (d), (e). Pub. L. 101–189, § 806(b)(2), added subsecs. (d) and (e). Former subsecs. (d) and (e) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 101–189, § 806(b)(1), redesignated subsec. (d) as (f). Former subsec. (f) redesignated (h).

Subsec. (f)(1). Pub. L. 101–189, § 806(c), inserted ''or a cooperative project'' after ''cooperative research and development program''.

Subsecs. (g), (h). Pub. L. 101–189, § 806(b)(1), redesignated subsecs. (e) and (f) as (g) and (h), respectively.

EFFECTIVE DATE

Section 101(c) [title IX, § 9036(c)] of Pub. L. 99–500 and Pub. L. 99–591, and section 1203(b) of Pub. L. 99–661 provided that: ''Section 4542 of title 10, United States Code, as added by subsection (a), shall apply with respect to funds appropriated for fiscal years after fiscal year 1986.''

RULE OF CONSTRUCTION FOR DUPLICATE AUTHORIZATION AND APPROPRIATION PROVISIONS OF PUBLIC LAWS 99–500, 99–591, AND 99–661

For rule of construction for certain duplicate provisions of Public Laws 99–500, 99–591, and 99–661, see Pub. L. 100–26, § 6, Apr. 21, 1987, 101 Stat. 274, set out as a note under section 2302 of this title.

§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured articles or services to a person outside the Department of Defense if—

(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

(A) for use in developing new products;

(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

(D) for use in commercial products;

(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense;

(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser;

(5) the Secretary of the Army determines that the articles or services are not available from a commercial source located in the United States;

(6) the purchaser of an article or service agrees to hold harmless and indemnify the United States, except in a case of willful misconduct or gross negligence, from any claim for damages or injury to any person or property arising out of the article or service;

(7) the article to be sold can be manufactured, or the service to be sold can be substantially performed, by the industrial facility with only incidental subcontracting;

(8) it is in the public interest to manufacture such article or perform such service; and

(9) the sale will not interfere with performance of the military mission of the industrial facility.

(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other

costs associated with the commercial articles or commercial services sold.

(c) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

(d) DEFINITIONS.—In this section:

(1) The term ''commercial article'' means an article that is usable for a nondefense purpose.

(2) The term ''commercial service'' means a service that is usable for a nondefense purpose.

(3) The term ''advance incremental funding'', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

(4) The term ''variable costs'', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

(B) in the case of services, the extent of the services sold.

(Added Pub. L. 103–160, div. A, title I, § 158(a)(1), Nov. 30, 1993, 107 Stat. 1581; amended Pub. L. 103–337, div. A, title I, § 141, Oct. 5, 1994, 108 Stat. 2688.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–337 struck out ''nondefense-related commercial'' after ''sell manufactured'' in introductory provisions and added pars. (5) to (9).

REGULATIONS

Section 158(c) of Pub. L. 103–160 provided that: ''Regulations under subsection (b) of section 4543 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act [Nov. 30, 1993].''

PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES

Pub. L. 107–314, div. A, title I, § 111(c), Dec. 2, 2002, 116 Stat. 2473, provided that: ''The Inspector General of the Department of Defense shall review the experience under the pilot program carried out under such section 141 [section 141 of Pub. L. 105–85, set out as a note below] and, not later than July 1, 2003, submit to Congress a report on the results of the review. The report shall contain the views, information, and recommendations called for under subsection (d) of such section (as redesignated by subsection (b)(2)). In carrying out the review and preparing the report, the Inspector General shall take into consideration the report submitted to Congress under such subsection (as so redesignated).''

Pub. L. 105–85, div. A, title I, § 141, Nov. 18, 1997, 111 Stat. 1652, as amended by Pub. L. 106–65, div. A, title I, § 115, Oct. 5, 1999, 113 Stat. 533; Pub. L. 107–107, div. A, title I, § 112, Dec. 28, 2001, 115 Stat. 1029; Pub. L. 107–314, div. A, title I, § 111(a), (b), Dec. 2, 2002, 116 Stat. 2473; Pub. L. 108–375, div. A, title VIII, § 844, Oct. 28, 2004, 118 Stat. 2019, provided that:

''(a) PILOT PROGRAM REQUIRED.—During fiscal years 1998 through 2009, the Secretary of the Army shall carry out a pilot program to test the efficacy and appropriateness of selling manufactured articles and services of Army industrial facilities under section 4543 of title 10, United States Code, without regard to the availability of the articles and services from United States commercial sources. In carrying out the pilot program, the Secretary may use articles manufactured at, and services provided by, not more than three Army industrial facilities, except that during fiscal year 2002 the Secretary may only use articles manufactured at, and services provided by, not more than one Army industrial facility.

''(b) TEMPORARY WAIVER OF REQUIREMENT FOR DETERMINATION OF UNAVAILABILITY FROM DOMESTIC SOURCE.—Under the pilot program, the Secretary of the Army is not required under section 4543(a)(5) of title 10, United States Code, to determine whether an article or service is available from a commercial source located in the United States in the case of any of the following sales for which a solicitation of offers is issued during the period during which the pilot program is being conducted:

''(1) A sale of articles to be incorporated into a weapon system being procured by the Department of Defense.

''(2) A sale of services to be used in the manufacture of a weapon system being procured by the Department of Defense.

''(c) TRANSFER OF CERTAIN SUMS.—For each Army industrial facility participating in the pilot program that sells manufactured articles and services in a total amount in excess of $20,000,000 in any fiscal year, the amount equal to one-half of one percent of such total amount shall be transferred from the sums in the Army Working Capital Fund for unutilized plant capacity to appropriations available for the following fiscal year for the demilitarization of conventional ammunition by the Army.

''(d) REVIEW BY INSPECTOR GENERAL.—The Inspector General of the Department of Defense shall review the experience under the pilot program under this section and, not later than July 1, 1999, submit to Congress a report on the results of the review. The report shall contain the following:

''(1) The Inspector General's views regarding the extent to which the waiver under subsection (b) enhances the opportunity for United States manufacturers, assemblers, developers, and other concerns to enter into or participate in contracts and teaming arrangements with Army industrial facilities under weapon system programs of the Department of Defense.

''(2) The Inspector General's views regarding the extent to which the waiver under subsection (b) enhances the opportunity for Army industrial facilities referred to in section 4543(a) of title 10, United States Code, to enter into or participate in contracts and teaming arrangements with United States manufacturers, assemblers, developers, and other concerns under weapon system programs of the Department of Defense.

''(3) The Inspector General's views regarding the effect of the waiver under subsection (b) on the ability of small businesses to compete for the sale of manufactured articles or services in the United States in competitions to enter into or participate in contracts and teaming arrangements under weapon system programs of the Department of Defense.

''(4) Specific examples under the pilot program that support the Inspector General's views.

''(5) Any other information that the Inspector General considers pertinent regarding the effects of the waiver of section 4543(a)(5) of title 10, United States Code, under the pilot program on opportunities for United States manufacturers, assemblers, developers,

or other concerns, and for Army industrial facilities, to enter into or participate in contracts and teaming arrangements under weapon system programs of the Department of Defense.

''(6) Any recommendations that the Inspector General considers appropriate regarding continuation or modification of the policy set forth in section 4543(a)(5) of title 10, United States Code.''

§ 4544. Army industrial facilities: cooperative activities with non-Army entities

(a) COOPERATIVE ARRANGEMENTS AUTHORIZED.—A working-capital funded Army industrial facility may enter into a contract or other cooperative arrangement with a non-Army entity to carry out with the non-Army entity a military or commercial project described in subsection (b), subject to the conditions prescribed in subsection (c). This authority may be used to enter into not more than eight contracts or cooperative agreements in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

(b) AUTHORIZED ACTIVITIES.—A cooperative arrangement entered into by an Army industrial facility under subsection (a) may provide for any of the following activities:

(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of the Army.

(2) The performance of work by a non-Army entity at the facility.

(3) The performance of work by the facility for a non-Army entity.

(4) The sharing of work by the facility and a non-Army entity.

(5) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

(6) The preparation and submission of joint offers by the facility and a non-Army entity for competitive procurements entered into with Federal agency.

(c) CONDITIONS.—An activity authorized by subsection (b) may be carried out at an Army industrial facility under a cooperative arrangement entered into under subsection (a) only under the following conditions:

(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

(2) The activity does not interfere with performance of—

(A) work by the facility for the Department of Defense; or

(B) a military mission of the facility.

(3) The activity meets one of the following objectives:

(A) Maximized utilization of the capacity of the facility.

(B) Reduction or elimination of the cost of ownership of the facility.

(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

(D) Preservation of skills or equipment related to a core competency of the facility.

(4) The non-Army entity agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

(A) in any case of willful misconduct or gross negligence; and

(B) in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the United States to comply with quality, schedule, or cost performance requirements in the contract to carry out the activity.

(d) ARRANGEMENT METHODS AND AUTHORITIES.—To establish a cooperative arrangement under subsection (a) with a non-Army entity, the approval authority described in subsection (f) for an Army industrial facility may—

(1) enter into a firm, fixed-price contract (or, if agreed to by the non-Army entity, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

(2) enter into a multiyear contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

(3) charge the non-Army entity the amounts necessary to recover the full costs of the articles or services provided, including capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

(4) authorize the non-Army entity to use incremental funding to pay for the articles, services, or use of equipment or facilities; and

(5) accept payment-in-kind.

(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds received from the sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.

(f) APPROVAL AUTHORITY.—The authority of an Army industrial facility to enter into a cooperative arrangement under subsection (a) shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such an arrangement on a case-by-case basis or a class basis.

(g) COMMERCIAL SALES.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (f) determines that the articles or services are not available from a

commercial source located in the United States in the required quantity or quality, or within the time required.

(h) EXCLUSION FROM DEPOT-LEVEL MAINTENANCE AND REPAIR PERCENTAGE LIMITATION.—Amounts expended for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a cooperative arrangement entered into under subsection (a).

(i) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to affect the application of—

(1) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a cooperative arrangement entered into under subsection (a); and

(2) section 2667 of this title to leases of non-excess property in the administration of such an arrangement.

(j) DEFINITIONS.—In this section:

(1) The term ''Army industrial facility'' includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

(2) The term ''non-Army entity'' includes the following:

(A) A Federal agency (other than the Department of the Army).

(B) An entity in industry or commercial sales.

(C) A State or political subdivision of a State.

(D) An institution of higher education or vocational training institution.

(3) The term ''incremental funding'' means a series of partial payments that—

(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

(B) result in full payment being completed as the required work is being completed.

(4) The term ''full costs'', with respect to articles or services provided under a cooperative arrangement entered into under subsection (a), means the variable costs and the fixed costs that are directly related to the production of the articles or the provision of the services.

(5) The term ''variable costs'' means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.

(k) EXPIRATION OF AUTHORITY.—The authority to enter into a cooperative arrangement under subsection (a) expires September 30, 2014.

(Added Pub. L. 108–375, div. A, title III, §353(a), Oct. 28, 2004, 118 Stat. 1859; amended Pub. L. 109–163, div. A, title III, §321, Jan. 6, 2006, 119 Stat. 3191; Pub. L. 109–364, div. A, title X, §1071(a)(29), Oct. 17, 2006, 120 Stat. 2399; Pub. L. 110–181, div. A, title III, §328(a), Jan. 28, 2008, 122 Stat. 66; Pub. L. 111–84, div. A, title III, §324(a), Oct. 28, 2009, 123 Stat. 2253.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, referred to in subsec. (a), is the date of enactment of Pub. L. 110–181, which was approved Jan. 28, 2008.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–84 inserted ''in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)'' after ''not more than eight contracts or cooperative agreements''.

2008—Subsec. (a). Pub. L. 110–181, §328(a)(1), inserted at end ''This authority may be used to enter into not more than eight contracts or cooperative agreements.''

Subsec. (k). Pub. L. 110–181, §328(a)(2), substituted ''2014'' for ''2009''.

2006—Subsec. (d). Pub. L. 109–364 substituted ''Arrangement'' for ''Arangement'' in heading.

Pub. L. 109–163, §321(b)(1), substituted ''subsection (f)'' for ''subsection (e)'' in introductory provisions.

Subsecs. (e), (f). Pub. L. 109–163, §321(b)(2), (3), added subsec. (e) and redesignated former subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 109–163, §321(b)(4), substituted ''subsection (f)'' for ''subsection (e)''.

Pub. L. 109–163, §321(b)(2), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsecs. (h), (i). Pub. L. 109–163, §321(b)(2), redesignated subsecs. (g) and (h) as (h) and (i), respectively. Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 109–163, §321(b)(2), redesignated subsec. (i) as (j). Former subsec. (j) redesignated (k).

Pub. L. 109–163, §321(a), substituted ''September 30, 2009.'' for ''September 30, 2009, and arrangements entered into under such subsection shall terminate not later than that date.''

Subsec. (k). Pub. L. 109–163, §321(b)(2), redesignated subsec. (j) as (k).

REPORTS

Pub. L. 110–181, div. A, title III, §328(b), Jan. 28, 2008, 122 Stat. 66, as amended by Pub. L. 111–84, div. A, title III, §324(b), Oct. 28, 2009, 123 Stat. 2253, provided that:

''(1) ANNUAL REPORT ON USE OF AUTHORITY.—The Secretary of the Army shall submit to Congress at the same time the budget of the President is submitted to Congress for fiscal years 2009 through 2016 under section 1105 of title 31, United States Code, a report on the use of the authority provided under section 4544 of title 10, United States Code.

''(2) ANALYSIS OF USE OF AUTHORITY.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report—

''(A) assessing the advisability of making such authority permanent and eliminating the limitation on the number of contracts or cooperative arrangements that may be entered into pursuant to such authority;

''(B) assessing the benefit to the Federal Government of using such authority;

''(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

''(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.''

CHAPTER 434—ARMAMENTS INDUSTRIAL BASE

Sec.
4551. Definitions.
4552. Policy.
4553. Armament Retooling and Manufacturing Support Initiative.
4554. Property management contracts and leases.
4555. ARMS Initiative loan guarantee program.

§ 4551. Definitions

In this chapter:

(1) The term ''ARMS Initiative'' means the Armament Retooling and Manufacturing Support Initiative authorized by this chapter.

(2) The term ''eligible facility'' means a Government-owned, contractor-operated ammunition manufacturing facility, or a Government-owned, contractor-operated depot for the storage, maintenance, renovation, or demilitarization of ammunition, of the Department of the Army that is in an active, inactive, layaway, or caretaker status.

(3) The term ''property manager'' includes any person or entity managing an eligible facility made available under the ARMS Initiative through a property management contract.

(4) The term ''property management contract'' includes facility use contracts, site management contracts, leases, and other agreements entered into under the authority of this chapter.

(5) The term ''Secretary'' means the Secretary of the Army.

(Added Pub. L. 106–398, § 1 [[div. A], title III, § 344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–67; amended Pub. L. 109–163, div. A, title III, § 323(a), Jan. 6, 2006, 119 Stat. 3193.)

AMENDMENTS

2006—Par. (2). Pub. L. 109–163, § 323(a), inserted '', or a Government-owned, contractor-operated depot for the storage, maintenance, renovation, or demilitarization of ammunition,'' after ''manufacturing facility''.

ARSENAL SUPPORT PROGRAM INITIATIVE

Pub. L. 106–398, § 1 [[div. A], title III, § 343], Oct. 30, 2000, 114 Stat. 1654, 1654A–65, as amended by Pub. L. 107–314, div. A, title III, § 362, Dec. 2, 2002, 116 Stat. 2519; Pub. L. 108–375, div. A, title III, § 342, Oct. 28, 2004, 118 Stat. 1857; Pub. L. 110–181, div. A, title III, § 341, Jan. 28, 2008, 122 Stat. 69; Pub. L. 111–84, div. A, title III, § 354, Oct. 28, 2009, 123 Stat. 2264, provided that:

''(a) DEMONSTRATION PROGRAM REQUIRED.—To help maintain the viability of the Army manufacturing arsenals and the unique capabilities of these arsenals to support the national security interests of the United States, the Secretary of the Army shall carry out a demonstration program under this section during fiscal years 2001 through 2011 at each manufacturing arsenal of the Department of the Army.

''(b) PURPOSES OF DEMONSTRATION PROGRAM.—The purposes of the demonstration program are as follows:

''(1) To provide for the utilization of the existing skilled workforce at the Army manufacturing arsenals by commercial firms.

''(2) To provide for the reemployment and retraining of skilled workers who, as a result of declining workload and reduced Army spending on arsenal production requirements at these Army arsenals, are idled or underemployed.

''(3) To encourage commercial firms, to the maximum extent practicable, to use these Army arsenals for commercial purposes.

''(4) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use these Army arsenals for those purposes.

''(5) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

''(6) To demonstrate innovative business practices, to support Department of Defense acquisition reform, and to serve as both a model and a laboratory for future defense conversion initiatives of the Department of Defense.

''(7) To the maximum extent practicable, to allow the operation of these Army arsenals to be rapidly responsive to the forces of free market competition.

''(8) To reduce or eliminate the cost of Government ownership of these Army arsenals, including the costs of operations and maintenance, the costs of environmental remediation, and other costs.

''(9) To reduce the cost of products of the Department of Defense produced at these Army arsenals.

''(10) To leverage private investment at these Army arsenals through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the demonstration program for the following activities:

''(A) Recapitalization of plant and equipment.

''(B) Environmental remediation.

''(C) Promotion of commercial business ventures.

''(D) Other activities approved by the Secretary of the Army.

''(11) To foster cooperation between the Department of the Army, property managers, commercial interests, and State and local agencies in the implementation of sustainable development strategies and investment in these Army arsenals.

''(c) CONTRACT AUTHORITY.—(1) In the case of each Army manufacturing arsenal, the Secretary of the Army may enter into contracts with commercial firms to authorize the contractors, consistent with section 4543 of title 10, United States Code—

''(A) to use the arsenal, or a portion of the arsenal, and the skilled workforce at the arsenal to manufacture weapons, weapon components, or related products consistent with the purposes of the program; and

''(B) to enter into subcontracts for the commercial use of the arsenal consistent with such purposes.

''(2) A contract under paragraph (1) shall require the contractor to contribute toward the operation and maintenance of the Army manufacturing arsenal covered by the contract.

''(3) In the event an Army manufacturing arsenal is converted to contractor operation, the Secretary may enter into a contract with the contractor to authorize the contractor, consistent with section 4543 of title 10, United States Code—

''(A) to use the facility during the period of the program in a manner consistent with the purposes of the program; and

''(B) to enter into subcontracts for the commercial use of the facility consistent with such purposes.

''(d) LOAN GUARANTEES.—(1) Subject to paragraph (2), the Secretary of the Army may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity at an Army manufacturing arsenal under this section.

''(2) Loan guarantees under this subsection may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(3) The Secretary of the Army may enter into agreements with the Administrator of the Small Business Administration or the Administrator of the Farmers Home Administration, the Administrator of the Rural Development Administration, or the head of other appropriate agencies of the Department of Agriculture, under which such Administrators may, under this subsection—

''(A) process applications for loan guarantees;

''(B) guarantee repayment of loans; and

''(C) provide any other services to the Secretary of the Army to administer this subsection.

''(4) An Administrator referred to in paragraph (3) may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the Administrator administers. To the extent practicable, each Administrator shall use the

same procedures for processing loan guarantee applications under this subsection as the Administrator uses for processing loan guarantee applications under other loan guarantee programs that the Administrator administers.

''(e) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under subsection (d) may not exceed—

''(1) $20,000,000, with respect to any single borrower; and

''(2) $320,000,000 with respect to all borrowers.

''(f) TRANSFER OF FUNDS.—The Secretary of the Army may transfer to an Administrator providing services under subsection (d), and the Administrator may accept, such funds as may be necessary to administer loan guarantees under such subsection.

''(g) REPORTING REQUIREMENTS.—(1) Not later than July 1 of each year in which a guarantee issued under subsection (d) is in effect, the Secretary of the Army shall submit to Congress a report specifying the amounts of loans guaranteed under such subsection during the preceding calendar year. No report is required after fiscal year 2011.

''(2) Not later than July 1, 2007, the Secretary of the Army shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the results of the demonstration program since its implementation, including the Secretary's views regarding the benefits of the program for Army manufacturing arsenals and the Department of the Army and the success of the program in achieving the purposes specified in subsection (b). The report shall contain a comprehensive review of contracting at the Army manufacturing arsenals covered by the program and such recommendations as the Secretary considers appropriate regarding changes to the program.''

§ 4552. Policy

It is the policy of the United States—

(1) to encourage, to the maximum extent practicable, commercial firms to use Government-owned, contractor-operated ammunition manufacturing, storage, maintenance, renovation, and demilitarization facilities of the Department of the Army;

(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

(3) to increase the manufacture of products inside the United States;

(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of eligible facilities for commercial purposes;

(5) to provide, as appropriate, small businesses (including socially and economically disadvantaged small business concerns and new small businesses) with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

(8) to achieve, with respect to armaments manufacturing, storage, maintenance, renovation, and demilitarization capacity, an optimum level of readiness of the national technology and industrial base within the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the armed forces; and

(9) to encourage facility use contracting where feasible.

(Added Pub. L. 106–398, § 1 [[div. A], title III, § 344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–67; amended Pub. L. 109–163, div. A, title III, § 323(c), Jan. 6, 2006, 119 Stat. 3194.)

AMENDMENTS

2006—Pars. (1), (8). Pub. L. 109–163 inserted '', storage, maintenance, renovation, and demilitarization'' after ''manufacturing''.

§ 4553. Armament Retooling and Manufacturing Support Initiative

(a) AUTHORITY FOR INITIATIVE.—The Secretary may carry out a program to be known as the ''Armament Retooling and Manufacturing Support Initiative''.

(b) PURPOSES.—The purposes of the ARMS Initiative are as follows:

(1) To encourage commercial firms, to the maximum extent practicable, to use eligible facilities for commercial purposes.

(2) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use eligible facilities for those purposes.

(3) To maintain in the United States a work force having the skills necessary to meet industrial emergency planned requirements for national security purposes.

(4) To demonstrate innovative business practices, to support Department of Defense acquisition reform, and to serve as both a model and a laboratory for future defense conversion initiatives of the Department of Defense.

(5) To the maximum extent practicable, to allow the operation of eligible facilities to be rapidly responsive to the forces of free market competition.

(6) To reduce or eliminate the cost of Government ownership of eligible facilities, including the costs of operations and maintenance, the costs of environmental remediation, and other costs.

(7) To reduce the cost of products of the Department of Defense produced at eligible facilities.

(8) To leverage private investment at eligible facilities through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the policies and purposes of this chapter, for the following activities:

(A) Recapitalization of plant and equipment.

(B) Environmental remediation.

(C) Promotion of commercial business ventures.

(D) Other activities approved by the Secretary.

(9) To foster cooperation between the Department of the Army, property managers,

commercial interests, and State and local agencies in the implementation of sustainable development strategies and investment in eligible facilities made available for purposes of the ARMS Initiative.

(10) To reduce or eliminate the cost of asset disposal that would be incurred if property at an eligible facility was declared excess to the needs of the Department of the Army.

(c) AVAILABILITY OF FACILITIES.—The Secretary may make any eligible facility available for the purposes of the ARMS Initiative.

(d) CONSIDERATION FOR LEASES.—Section 1302 of title 40 shall not apply to uses of property or facilities in accordance with the ARMS Initiative.

(e) PROGRAM SUPPORT.—(1) Funds appropriated for purposes of the ARMS Initiative may be used for administrative support and management.

(2) A full annual accounting of such expenses for each fiscal year shall be provided to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives not later than March 30 of the following fiscal year.

(Added Pub. L. 106–398, § 1 [[div. A], title III, § 344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–68; amended Pub. L. 108–178, § 4(b)(5), Dec. 15, 2003, 117 Stat. 2641; Pub. L. 109–163, div. A, title III, § 323(d), Jan. 6, 2006, 119 Stat. 3194.)

AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109–163 struck out ''in manufacturing processes that are'' after ''having the skills''.

2003—Subsec. (d). Pub. L. 108–178 substituted ''Section 1302 of title 40'' for ''Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b),''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–178 effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 4554. Property management contracts and leases

(a) IN GENERAL.—In the case of each eligible facility that is made available for the ARMS Initiative, the Secretary—

(1) shall make full use of facility use contracts, leases, and other such commercial contractual instruments as may be appropriate;

(2) shall evaluate, on the basis of efficiency, cost, emergency mobilization requirements, and the goals and purposes of the ARMS Initiative, the procurement of services from the property manager, including maintenance, operation, modification, infrastructure, environmental restoration and remediation, and disposal of ammunition manufacturing assets, and other services; and

(3) may, in carrying out paragraphs (1) and (2)—

(A) enter into contracts, and provide for subcontracts, for terms up to 25 years, as the Secretary considers appropriate and consistent with the needs of the Department of the Army and the goals and purposes of the ARMS Initiative; and

(B) use procedures that are authorized to be used under section 2304(c)(5) of this title when the contractor or subcontractor is a source specified in law.

(b) CONSIDERATION FOR USE.—(1) To the extent provided in a contract entered into under this section for the use of property at an eligible facility that is accountable under the contract, the Secretary may accept consideration for such use that is, in whole or in part, in a form other than—

(A) rental payments; or

(B) revenue generated at the facility.

(2) Forms of consideration acceptable under paragraph (1) for a use of an eligible facility or any property at an eligible facility include the following:

(A) The improvement, maintenance, protection, repair, and restoration of the facility, the property, or any property within the boundaries of the installation where the facility is located.

(B) Reductions in overhead costs.

(C) Reductions in product cost.

(D) The demilitarization and storage of conventional ammunition.

(3) The authority under paragraph (1) may be exercised without regard to section 3302(b) of title 31 and any other provision of law.

(Added Pub. L. 106–398, § 1 [[div. A], title III, § 344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–69; amended Pub. L. 109–163, div. A, title III, § 323(b), Jan. 6, 2006, 119 Stat. 3194.)

AMENDMENTS

2006—Subsec. (b)(2)(D). Pub. L. 109–163 added subpar. (D).

IMPLEMENTATION REPORT

Pub. L. 106–398, § 1 [[div. A], title III, § 344(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–71, provided that, not later than July 1, 2001, the Secretary of Defense was to submit to the congressional defense committees a report on the procedures and controls implemented to carry out this section.

§ 4555. ARMS Initiative loan guarantee program

(a) PROGRAM AUTHORIZED.—Subject to subsection (b), the Secretary may carry out a loan guarantee program to encourage commercial firms to use eligible facilities under this chapter. Under any such program, the Secretary may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity to use an eligible facility under this chapter.

(b) ADVANCED BUDGET AUTHORITY.—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(c) PROGRAM ADMINISTRATION.—(1) The Secretary may enter into an agreement with any of the officials named in paragraph (2) under which that official may, for the purposes of this section—

(A) process applications for loan guarantees;

(B) guarantee repayment of loans; and

(C) provide any other services to the Secretary to administer the loan guarantee program.

(2) The officials referred to in paragraph (1) are as follows:

(A) The Administrator of the Small Business Administration.

(B) The head of any appropriate agency in the Department of Agriculture, including—

(i) the Administrator of the Farmers Home Administration; and

(ii) the Administrator of the Rural Development Administration.

(3) Each official authorized to do so under an agreement entered into under paragraph (1) may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the official administers.

(4) To the extent practicable, each official processing loan guarantee applications under this section pursuant to an agreement entered into under paragraph (1) shall use the same processing procedures as the official uses for processing loan guarantee applications under other loan guarantee programs that the official administers.

(d) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed—

(1) $20,000,000, with respect to any single borrower; and

(2) $320,000,000 with respect to all borrowers.

(e) TRANSFER OF FUNDS.—The Secretary may transfer to an official providing services under subsection (c), and that official may accept, such funds as may be necessary to administer the loan guarantee program under this section.

(Added Pub. L. 106–398, § 1 [[div. A], title III, § 344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–70.)

CHAPTER 435—ISSUE OF SERVICEABLE MATERIAL TO ARMED FORCES

Sec.
4561. Rations.
4562. Clothing.
4563. Clothing: replacement when destroyed to prevent contagion.
4564. Navy and Marine Corps: camp equipment and transportation; when on shore duty with Army.
4565. Colors, standards, and guidons of demobilized organizations: disposition.

§ 4561. Rations

(a) The President may prescribe the components, and the quantities thereof, of the Army ration. He may direct the issue of equivalent articles in place of the prescribed components whenever, in his opinion, economy and the health and comfort of the members of the Army so require.

(b) Under the direction of the Secretary of the Army, the branch, office, or officer designated by him shall issue the components of the Army ration.

(c) An enlisted member of the Army on active duty is entitled to one ration daily. The emergency ration, when issued, is in addition to the regular ration.

(d) Fresh or preserved fruits, milk, butter, and eggs necessary for the proper diet of the sick in hospitals shall be provided under regulations prescribed by the Surgeon General and approved by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 255.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4561(a)	10:724.	R.S. 1141 (as applicable to issue); June 28, 1950, ch. 383, § 402(a), 64 Stat. 272.
4561(b)	10:1195a (as applicable to issue).	Feb. 2, 1901, ch. 192, § 40, 31 Stat. 758.
4561(c)	10:716b.	R.S. 1293; July 16, 1892, ch. 195 (last 15 words before proviso under ''Subsistence of the Army''), 27 Stat. 178.
	10:725.	Mar. 2, 1907, ch. 2511 (1st proviso under ''Subsistence Department''), 34 Stat. 1165.
4561(d)	10:726.	R.S. 1175.

In subsection (a), the words ''the components, and the quantities thereof'' are substituted for the words ''the kinds and quantities of the component articles''. The words ''substitutive'' and ''a due regard'' are omitted as surplusage.

In subsection (b), the words ''the components of the Army ration'' are substituted for the words ''such supplies as enter into the composition of the ration''.

In subsection (c), the words ''on active duty'' are inserted for clarity. The words ''under such regulations as may be prescribed by the Secretary of the Army'', in 10:725, are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words ''or reserve'', ''prescribed for use on emergent occasions'', and ''furnished'', in 10:725, are omitted as surplusage.

In subsection (d), the words ''Such quantities of'' and ''may be allowed'' are omitted as surplusage.

DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section to prescribe uniform military ration applicable to Army delegated to Secretary of Defense by section 3(a) of Ex. Ord. No. 12781, Nov. 20, 1991, 56 F.R. 59203, set out as a note under section 301 of Title 3, The President.

§ 4562. Clothing

The President may prescribe the quantity and kind of clothing to be issued annually to members of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 256.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4562	10:831.	R.S. 1296 (less 1st 9 words).

The words ''members of the Army'' are substituted for the words ''troops of the United States''.

§ 4563. Clothing: replacement when destroyed to prevent contagion

Upon the recommendation of the Surgeon General, the Secretary of the Army may order a gratuitous issue of clothing to any enlisted member of the Army who has had a contagious disease, and to any hospital attendant who attended him while he had that disease, to replace clothing destroyed by order of an officer of the Medical Corps to prevent contagion.

(Aug. 10, 1956, ch. 1041, 70A Stat. 256.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4563	10:834.	R.S. 1298.

The words ''enlisted member'' are substituted for the word ''soldiers''. The words ''any articles of their'' are omitted as surplusage. The words ''while he had that disease'' are inserted for clarity. The words ''an officer of the Medical Corps'' are substituted for the words ''proper medical officers''.

§ 4564. Navy and Marine Corps: camp equipment and transportation; when on shore duty with Army

While any detachment of the Navy or Marine Corps is on shore duty in cooperation with troops of the Army, the officer of the Army designated by the Secretary of the Army shall, upon the requisition of the officer of the Navy or Marine Corps in command of the detachment, issue rations and camp equipment, and furnish transportation, to that detachment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 256.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4564	10:1259d. 10:1259e. 34:541.	R.S. 1143; June 28, 1950, ch. 383, § 402(a), 64 Stat. 272. R.S. 1135; June 28, 1950, ch. 383, § 402(a), 64 Stat. 272.

The words ''While on shore duty'' are substituted for the words ''under orders to act on shore'', in 10:1259d and 1259e, and 34:541. The words ''branch, office, or'' and ''during the time such detachment is so acting or proceeding to act'', in 10:1259d and 1259e, and 34:541, are omitted as surplusage. The words ''their baggage, provisions, and cannon'', in 10:1259e and 34:541, are omitted as surplusage. The words ''and shall furnish the naval officer commanding any such detachment, and his necessary aides, with horses, accouterments, and forage'', in 10:1259e and 34:541, are omitted as obsolete.

§ 4565. Colors, standards, and guidons of demobilized organizations: disposition

(a) The Secretary of the Army may dispose of colors, standards, and guidons of demobilized organizations of the Army, as follows:

(1) Those brought into Federal service by the Army National Guard of a State may be returned to that State upon the request of its governor.

(2) Those that cannot be returned under clause (1) may, upon the request of its governor, be sent to the State that, as determined by the Secretary, furnished the majority of members of the organization when it was formed.

Those that cannot be returned or sent under clause (1) or (2) of this subsection shall be delivered to the Secretary for such national use as the Secretary may direct.

(b) Title to colors, standards, and guidons of demobilized organizations of the Army remains in the United States.

(c) No color, standard, or guidon may be disposed of under this section unless provision satisfactory to the Secretary has been made for its preservation and care.

(Aug. 10, 1956, ch. 1041, 70A Stat. 256; Pub. L. 89–718, § 29, Nov. 2, 1966, 80 Stat. 1119.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4565(a) ..... 4565(b) ..... 4565(c)	5:202 (less 3d and last sentences). 5:202 (3d sentence). 5:202 (last sentence).	Mar. 4, 1921, ch. 166, § 2, 41 Stat. 1438.

In subsection (a), the words ''Any which were used during their service by such organizations and'' are omitted as surplusage. The first 15 words of the last sentence are substituted for 5:202 (1st 45 words of 2d sentence).

AMENDMENTS

1966—Subsec. (a). Pub. L. 89–718 substituted the Secretary of the Army for the Quartermaster General as the officer to accept delivery of colors, standards, and guidons of demobilized organizations of the Army which cannot be disposed of under clauses (1) and (2).

CHAPTER 437—UTILITIES AND SERVICES

Sec.
4591. Utilities: proceeds from overseas operations.
4592. Radiograms and telegrams: forwarding charges due connecting commercial facilities.
4593. Quarters: heat and light.
4594. Furnishing of heraldic services.
4595. Army Military History Institute: fee for providing historical information to the public.

AMENDMENTS

2000—Pub. L. 106–398, § 1 [[div. A], title X, § 1085(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–288, added item 4595.

1957—Pub. L. 85–263, § 1(2), Sept. 2, 1957, 71 Stat. 589, added item 4594.

§ 4591. Utilities: proceeds from overseas operations

During actual or threatened hostilities, proceeds from operating a public utility in connection with operations of the Corps of Engineers in the field overseas are available for that utility until the close of the fiscal year following that in which they are received.

(Aug. 10, 1956, ch. 1041, 70A Stat. 257.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4591	10:1287.	July 9, 1918, ch. 143, subch. XX (1st par.), 40 Stat. 893; May 29, 1928, ch. 901 (par. 37), 45 Stat. 989; Aug. 1, 1953, ch. 305, Title VI, § 645 (7th clause), 67 Stat. 357.

§ 4592. Radiograms and telegrams: forwarding charges due connecting commercial facilities

In the operation of telegraph lines, cables, or radio stations, members of the Signal Corps may, in the discretion of the Secretary of the Army, collect forwarding charges due connecting commercial telegraph or radio companies for sending radiograms or telegrams over their lines. Under such regulations as the Secretary may prescribe, they may present a voucher to a disbursing official for payment of the forwarding charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 257; Pub. L. 97–258, § 2(b)(1)(A), Sept. 13, 1982, 96 Stat. 1052; Pub. L. 104–316, title I, § 105(e), Oct. 19, 1996, 110 Stat. 3830.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4592	10:1319.	May 12, 1917, ch. 12 (proviso under ''Washington-Alaska Military Cable and Telegraph System''), 40 Stat. 43.

The words ''members of'' are inserted for clarity. The words ''Government'', ''and to this end'', ''as may be'', and ''amount of such'' are omitted as surplusage.

AMENDMENTS

1996—Pub. L. 104–316 substituted ''of the forwarding'' for '', or may file a claim with the General Accounting Office for the forwarding'' in second sentence.

1982—Pub. L. 97–258 substituted ''official'' for ''officer''.

§ 4593. Quarters: heat and light

The heat and light necessary for the authorized quarters of members of the Army shall be furnished at the expense of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 257.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4593	10:723.	Mar. 2, 1907, ch. 2511 (1st proviso under ''Quartermaster's Department''), 34 Stat. 1167.

The word ''members'' is substituted for the words ''officers and enlisted men''. The words ''under such regulations as the Secretary of the Army may prescribe'', are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory function.

CHARGES FOR EXCESS ENERGY CONSUMPTION; DEPOSIT OF PROCEEDS; APPLICABILITY; IMPLEMENTATION

Pub. L. 95–82, title V, § 507, Aug. 1, 1977, 91 Stat. 372, provided for assessment of charges upon occupants of military family housing facilities for excessive use of energy, prior to repeal by Pub. L. 96–418, title V, § 509, title VI, § 608, Oct. 10, 1980, 94 Stat. 1767, 1774, eff. Oct. 1, 1980.

§ 4594. Furnishing of heraldic services

(a) Under regulations to be prescribed by the Secretary of the Army, an authority designated by him may, upon the request of, and subject to approval by, the Secretary of another military department, design flags, insignia, badges, medals, seals, decorations, guidons, streamers, finial pieces for flagstaffs, buttons, buckles, awards, trophies, marks, emblems, rosettes, scrolls, braids, ribbons, knots, tabs, cords, and similar items for the requesting department.

(b) Upon request the Secretary of the Army may advise other departments and agencies of the United States on matters of heraldry.

(c) The Secretary of the Army may prescribe regulations providing for reimbursement for services furnished under this section.

(Added Pub. L. 85–263, § 1(1), Sept. 2, 1957, 71 Stat. 589.)

EFFECTIVE DATE

Section 2 of Pub. L. 85–263 provided that: ''This Act [enacting this section] takes effect on the first day of the first month after the month in which it is enacted [September 1957].''

§ 4595. Army Military History Institute: fee for providing historical information to the public

(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Army may charge a person a fee for providing the person with information from the United States Army Military History Institute that is requested by that person.

(b) EXCEPTIONS.—A fee may not be charged under this section—

(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

(2) for a release of information under section 552 of title 5.

(c) LIMITATION ON AMOUNT.—A fee charged for providing information under this section may not exceed the cost of providing the information.

(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Army Military History Institute during that fiscal year.

(e) DEFINITIONS.—In this section:

(1) The term ''United States Army Military History Institute'' means the archive for historical records and materials of the Army that the Secretary of the Army designates as the primary archive for such records and materials.

(2) The terms ''officer of the United States'' and ''employee of the United States'' have the meanings given the terms ''officer'' and ''employee'', respectively, in sections 2104 and 2105, respectively, of title 5.

(Added Pub. L. 106–398, § 1 [[div. A], title X, § 1085(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–287.)

CHAPTER 439—SALE OF SERVICEABLE MATERIAL

Sec.
4621. Quartermaster supplies: members of armed forces; veterans; executive or military departments and employees; prices.
4622. Rations: commissioned officers in field.
[4623. Repealed.]
4624. Medical supplies: civilian employees of the Army; American National Red Cross; Armed Forces Retirement Home.
4625. Ordnance property: officers of armed forces; civilian employees of Army; American National Red Cross; educational institutions; homes for veterans' orphans.
4626. Aircraft supplies and services: foreign military or air attaché.
4627. Supplies: educational institutions.
4628. Airplane parts and accessories: civilian flying schools.
4629. Proceeds: disposition.

AMENDMENTS

1990—Pub. L. 101–510, div. A, title XV, § 1533(a)(5)(C), Nov. 5, 1990, 104 Stat. 1734, amended item 4624 generally, substituting ''Armed Forces Retirement Home'' for ''Soldiers' and Airmen's Home''.

1980—Pub. L. 96–513, title V, § 512(18)(C), Dec. 12, 1980, 94 Stat. 2930, inserted ''and Airmen's'' after ''Soldiers' '' in item 4624.

1970—Pub. L. 91–482, § 2B, Oct. 21, 1970, 84 Stat. 1082, struck out item 4623 ''Tobacco: enlisted members of Army''.

§ 4621. Quartermaster supplies: members of armed forces; veterans; executive or military departments and employees; prices

(a) The Secretary of the Army shall procure and sell, for cash or credit—

(1) articles specified by the Secretary of the Army or a person designated by him, to members of the Army; and

(2) items of individual clothing and equipment, to officers of the Army, under such restrictions as the Secretary may proscribe.

An account of sales on credit shall be kept and the amount due reported to any branch, office, or officer designated by the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Army.

(c) The Secretary may sell serviceable quartermaster property, other than subsistence supplies, to an officer of another armed force for his use in the service, in the same manner as these articles are sold to an officer of the Army.

(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force, or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to a member of the Army.

(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged from the Army honorably or under honorable conditions, at the prices at which like articles are sold to members of the Army. This subsection does not modify section 772 or 773 of this title.

(f) Whenever, under regulations to be prescribed by the Secretary, subsistence supplies are furnished to any branch of the Army or sold to employees of any executive department other than the Department of Defense, payment shall be made in cash or by commercial credit.

(g) The Secretary may, by regulation, provide for the procurement and sale of stores designated by him to such civilian officers and employees of the United States, and such other persons, as he considers proper—

(1) at military installations outside the United States; and

(2) at military installations inside the United States where he determines that it is impracticable for those civilian officers, employees, and persons to obtain those stores from private agencies without impairing the efficient operation of military activities.

However, sales to officers and employees inside the United States may be made only to those residing within military installations.

(h) Appropriations for subsistence of the Army may be applied to the purchase of subsistence supplies for sale to members of the Army on active duty for the use of themselves and their families.

(Aug. 10, 1956, ch. 1041, 70A Stat. 257; Pub. L. 87–651, title I, § 118, Sept. 7, 1962, 76 Stat. 513; Pub. L. 96–513, title V, § 512(17), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 100–180, div. A, title III, § 313(c), Dec. 4, 1987, 101 Stat. 1074; Pub. L. 101–189, div. A, title XVI, § 1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 104–106, div. A, title III, § 375(b)(1), Feb. 10, 1996, 110 Stat. 283.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4621(a)	10:904. 10:1231. 10:1237. 32:156.	Aug. 31, 1918, ch. 166, § 9 (less 17th through 22d words), 40 Stat. 957. R.S. 1144; June 28, 1950, ch. 383, § 402(a), 64 Stat. 272.
4621(b)	10:1238.	June 3, 1916, ch. 134, § 109; restated June 4, 1920, ch. 227, subch. I, § 47; restated June 3, 1924, ch. 244, § 3; restated Oct. 14, 1940, ch. 875, § 3, 54 Stat. 1136; Mar. 25, 1948, ch. 157, § 5(b), 62 Stat. 91; Oct. 12, 1949, ch. 681, § 501(f)(2) and (3) (as applicable to § 109 of the Act of June 3, 1916, ch. 134), 63 Stat. 827; July 9, 1952, ch. 608, § 803 (12th par.), 66 Stat. 505.
4621(c)	10:1233.	
4621(d)	10:1234. 34:539	
4621(e)	10:1235.	
4621(f)	10:1395 (less last sentence).	June 30, 1922, ch. 253, Title I (last proviso under ''Clothing and Equipage''), 42 Stat. 729.
4621(g)	10:1253.	July 5, 1884, ch. 217 (proviso under ''Subsistence of the Army''), 23 Stat. 108.
4621(h)	10:1241.	Aug. 29, 1916, ch. 418 (words before semicolon of 3d proviso under ''Subsistence of the Army''), 39 Stat. 630.
4621(i)	10:1196.	Mar. 4, 1915, ch. 143 (last proviso under ''Clothing, and Camp and Garrison Equipage''), 38 Stat. 1079; June 28, 1950, ch. 383, § 402(k), 64 Stat. 273. June 5, 1920, ch. 240 (par. under ''Purchase of Army Stores by Discharged Receiving Treatment from the Public Health Service''), 41 Stat. 976. Feb. 14, 1927, ch. 134 (less last sentence), 44 Stat. 1096. Mar. 3, 1911, ch. 209 (last par. under ''Subsistence Department''), 36 Stat. 1047. Aug. 8, 1953, ch. 390, § 1, 67 Stat. 499.

HISTORICAL AND REVISION NOTES—CONTINUED

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
		Mar. 3, 1875, ch. 131 (proviso of 1st sentence of 1st par. under ''War Department''), 18 Stat. 410.

In subsection (a), the word ''members'' is substituted for the words ''officers and enlisted men'' in 10:1237. Clause (2) is substituted for 10:904. 32:156 is omitted as covered by 10:904, since the words ''officers of the Army'' necessarily cover all persons named in 32:156. The words ''the Secretary of the Army or a person designated by him'' are substituted for the words ''by whatever branch, office, or officers of the Army the Secretary of the Army may from time to time designate'', inserted by the Editors of the United States Code. R.S. 1114 which provided that this function should be invested in the Inspector General was not amended in this respect by section 402(a) of the Army Organization Act of 1950 (64 Stat. 272). However, these functions have now been transferred to the Secretary of the Army or a person designated by him. (See memorandum of the Secretary of Defense, dated October 29, 1954, subject ''Transfer of Authority from the Inspector General to the Secretary of the Army to Designate Subsistence Articles for Sale,'' and opinion of the Judge Advocate General of the Army (JAGA 1954/9712, 2 December 1954).) The words ''Except for articles and items acquired through the use of working capital funds under sections 172–172j of title 5'' are inserted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

In subsection (b), the first sentence states expressly the rule which is implicit in 10:1238. The word ''members'' is substituted for the words ''officers and enlisted men''. The words ''shall be understood, in all cases of such sales'' are omitted as surplusage. The last sentence is inserted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Deputy General Counsel of the Office of the Secretary of Defense, March 28, 1956.)

In subsection (c), the word ''members'' is substituted for the words ''officers and enlisted men''. The words ''prices at which like property is sold to'' are substituted for the words ''same price as is charged the''.

In subsections (c) and (d), the words ''other armed forces'' are substituted for the words ''Navy and Marine Corps'', since such sales are authorized to members of the Coast Guard by section 144(b) of title 14.

In subsection (d), the words ''other than subsistence supplies'' are inserted, since the sale of subsistence supplies is covered by subsection (c).

In subsection (e), the words ''a person who has been discharged'' are substituted for the words ''discharged officers and enlisted men''. The words ''Navy or Marine Corps'', omitted from the 1952 Edition of the United States Code, are inserted to conform to the source statute. The words ''may buy'' are substituted for the words ''shall be permitted to purchase''. The words ''at the prices at which like property is sold'' are substituted for the words ''at the same price as charged''. The word ''member'' is substituted for the words ''officers and enlisted men''. The words ''while undergoing such care and treatment'' are omitted as surplusage.

In subsection (f), the words ''person who has been discharged'' are substituted for the words ''former members who have been separated therefrom''. The words ''at the prices at which like articles are sold to members'' are inserted to conform to the last sentence of subsection (a) and subsection (e).

In subsection (g), the words ''regulations to be prescribed by the Secretary'' are substituted for the words ''Army Regulations''. The words ''of the Government'' are omitted as surplusage. 10:1253 (last 22 words of 1st sentence) is omitted as surplusage. The words ''or to another executive department of the Government'' are omitted as superseded by section 7 of the Act of May 21, 1920, ch. 194, as amended (31 U.S.C. 686). The provisions of 10:1253 relating to computation of costs are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

In subsection (h), the word ''outside'' is substituted for the words ''beyond the continental limitations''. The words ''or in Alaska'' are omitted, since, under section 101(1) of this title, the words ''United States'' are defined to include only the States and the District of Columbia. The word ''continental'', after the words ''within the'', is omitted for the same reason. The last sentence is substituted for 10:1241 (proviso).

In subsection (i), 10:1196 (last 30 words) is omitted as superseded by the Act of April 27, 1914, ch. 72 (last proviso under ''Subsistence of the Army''), 38 Stat. 361. The words ''So much of the'' and ''as may be necessary'' are omitted as surplusage. The words ''members on active duty, for the use of themselves and their families'' are substituted for the words ''officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of the enlisted men of their companies or organizations'', to conform to 10:1237 and 1238. Those sections provide the basic authority for procurement and sale of subsistence supplies to all members. This interpretation conforms to established administrative practice under those sections. The word ''supplies'' is substituted for the word ''stores''.

1962 ACT

The change corrects an internal reference.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–106, §375(b)(1)(A), substituted ''The Secretary of the Army'' for ''The branch, office, or officer designated by the Secretary of the Army''.

Subsecs. (b), (c). Pub. L. 104–106, §375(b)(1)(B), substituted ''The Secretary'' for ''The branch, office, or officer designated by the Secretary''.

Subsec. (f). Pub. L. 104–106, §375(b)(1)(C), inserted ''or by commercial credit'' before period at end.

1989—Subsec. (d). Pub. L. 101–189 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

1987—Subsecs. (b) to (i). Pub. L. 100–180 redesignated subsecs. (c) to (i) as subsecs. (b) to (h), respectively, and struck out former subsec. (b) which read as follows: ''Subsistence supplies may be sold to members of the Army. The selling price of each article sold under this subsection is the invoice price of the last lot of that article that the officer making the sale received before the first day of the month in which the sale is made. Activities conducted under this subsection shall be consistent with section 2208 of this title.''

1980—Subsec. (f). Pub. L. 96–513 struck out reference to section 3612 of this title.

1962—Subsecs. (a), (b). Pub. L. 87–651 substituted ''section 2208 of this title'' for ''sections 172–172j of title 5''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, see note set out under section 802 of this title.

PRICES CHARGED PERSONNEL OF CIVILIAN AGENCIES IN GERMANY

Act June 20, 1956, ch. 414, title I, § 101, 70 Stat. 300, provided in part: ''When the Department of the Army, under the authority of the Act of March 3, 1911, as amended, furnishes subsistence supplies to personnel of civilian agencies of the United States Government serving in Germany, payment therefor by such personnel shall be made at the same rate as is paid by civilian personnel of the Department of the Army serving in Germany.'' Similar provisions were contained in acts Oct. 6, 1949, ch. 621, title I, § 101, 63 Stat. 713; Sept. 6, 1950, ch. 896, ch. XI, title III, § 301, 64 Stat. 763; Nov. 1, 1951, ch. 664, ch. IX, § 901, 65 Stat. 750; July 15, 1952, ch. 758, ch. XI, title II, 66 Stat. 652; Aug. 7, 1953, ch. 340, ch. X, 67 Stat. 433; Aug. 26, 1954, ch. 935, ch. XI, 68 Stat. 823; July 7, 1955, ch. 279, title I, § 101, 69 Stat. 269.

§ 4622. Rations: commissioned officers in field

Commissioned officers of the Army serving in the field may buy rations for their own use, on credit, from any officer designated by the Secretary of the Army. Amounts due for these purchases shall be reported monthly to the officer of the Army designated by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 258.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4622	10:1232.	R.S. 1145; June 28, 1950, ch. 383, § 402(a), 64 Stat. 272.

The words ''at cost prices'' are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

[§ 4623. Repealed. Pub. L. 91–482, § 1(a), Oct. 21, 1970, 84 Stat. 1082]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 258, provided that the Quartermaster Corps sell not more than 16 ounces of tobacco a month to an enlisted member of the Army on active duty who requests it.

§ 4624. Medical supplies: civilian employees of the Army; American National Red Cross; Armed Forces Retirement Home

(a) Under regulations to be prescribed by the Secretary of the Army, a civilian employee of the Department of the Army who is stationed at an Army post may buy necessary medical supplies from the Army when they are prescribed by an officer of the Medical Corps on active duty.

(b) With the approval of the Secretary, the Army Medical Department may sell medical supplies to the American National Red Cross for cash.

(c) Any branch, office, or officer designated by the Secretary may sell medical and hospital supplies to the Armed Forces Retirement Home.

(Aug. 10, 1956, ch. 1041, 70A Stat. 259; Pub. L. 90–329, June 4, 1968, 82 Stat. 170; Pub. L. 96–513, title V, § 512(18)(A), (B), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 101–510, div. A, title XV, § 1533(a)(5)(A), (B), Nov. 5, 1990, 104 Stat. 1734.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4624(a)	10:1236.	Apr. 23, 1904, ch. 1485 (last proviso under ''Medical Department''), 33 Stat. 273; Mar. 2, 1905, ch. 1307 (last proviso under ''Medical Department''), 33 Stat. 839.
4624(b)	10:1254.	Mar. 4, 1915, ch. 143 (2d proviso under ''Medical Department''), 38 Stat. 1080.
4624(c)	24:58.	June 4, 1897, ch. 2 (par. under ''Soldiers' Home, District of Columbia''), 30 Stat. 54; June 28, 1950, ch. 383, § 402(d), 64 Stat. 272.

In subsection (a) the words ''an officer of the Medical Corps'' are substituted for the words ''medical officer''. The words ''on active duty'' are inserted for clarity.

In subsection (b) the words ''rates of charge'', ''to cover the cost of purchase, inspection, and so forth'', and ''as can be spared without detriment to the military service'' are omitted as surplusage. The words ''the contract prices paid therefor'' are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.) The word ''equipments'' is omitted as covered by the word ''supplies''.

In subsection (c), the words ''in the District of Columbia'' are omitted as surplusage, since there is only one Soldiers' Home. The words ''Upon proper application therefor'' are omitted as surplusage. The words ''its contract prices'' are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

AMENDMENTS

1990—Pub. L. 101–510, § 1533(a)(5)(B), substituted ''Armed Forces Retirement Home'' for ''Soldiers' and Airmen's Home'' in section catchline.

Subsec. (c). Pub. L. 101–510, § 1533(a)(5)(A), substituted ''Armed Forces Retirement Home'' for ''United States Soldiers' and Airmen's Home''.

1980—Pub. L. 96–513, § 512(18)(B), inserted ''and Airmen's'' after ''Soldiers' '' in section catchline.

Subsec. (c). Pub. L. 96–513, § 512(18)(A), substituted ''United States Soldiers' and Airmen's'' for ''Soldiers' ''.

1968—Subsec. (b). Pub. L. 90–329 substituted ''Army Medical Department'' for ''Army Medical Service''.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–510 effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101–510, formerly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 4625. Ordnance property: officers of armed forces; civilian employees of Army; American National Red Cross; educational institutions; homes for veterans' orphans

(a) Any branch, office, or officer designated by the Secretary of the Army may sell articles of ordnance property to officers of other armed forces for their use in the service, in the same manner as those articles are sold to officers of the Army.

(b) Under such regulations as the Secretary may prescribe, ordnance stores may be sold to civilian employees of the Army and to the American National Red Cross.

(c) Articles of ordnance property may be sold to educational institutions and to State soldiers' and sailors' orphans' homes for maintaining the ordnance and ordnance stores issued to those institutions and homes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 259.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4625(a)	34:540. 50:70.	Mar. 3, 1909, ch. 252 (5th par. under "National Trophy and Medals for Rifle Contest"), 35 Stat. 750.
4625(b)	50:71.	Mar. 3, 1909, ch. 252 (8th par. under "National Trophy and Medals for Rifle Contests"), 35 Stat. 751; June 28, 1950, ch. 383, § 402(h), 64 Stat. 273.
4625(c)	50:63.	May 11, 1908, ch. 163 (4th par. under "National Trophy and Medals for Rifle Contests"), 35 Stat. 125.

In subsection (a), the words "other armed forces" are substituted for the words "the Navy and Marine Corps", in 34:540 and 50:70, since those sales may be made to officers of the Coast Guard under section 114(c) of title 14.

§ 4626. Aircraft supplies and services: foreign military or air attaché

Under such conditions as he may prescribe, the Secretary of the Army may provide for the sale of fuel, oil, and other supplies for use in aircraft operated by a foreign military or air attaché accredited to the United States, and for the furnishing of mechanical service and other assistance to such aircraft. Shelter may be furnished to such aircraft, but only without charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 259.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4626	22:259 (less last sentence).	May 31, 1939, ch. 161 (less last sentence), 53 Stat. 795.

The last sentence is substituted for the words "except for shelter for which no charge shall be made". The words "and equipment" are omitted as covered by the word "supplies". 22:259 (last 22 words of 2d sentence) is omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

§ 4627. Supplies: educational institutions

Under such regulations as the Secretary of the Army may prescribe, supplies and military publications procured for the Army may be sold to any educational institution to which an officer of the Army is detailed as professor of military science and tactics, for the use of its military students. Sales under this section shall be for cash.

(Aug. 10, 1956, ch. 1041, 70A Stat. 259.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4627	10:1179 (less proviso).	July 17, 1914, ch. 149 (less proviso), 38 Stat. 512.

The words "procured for" are substituted for the words "as are furnished to". The words "stores matériel of war" are omitted as covered by the word "supplies". The words "the price listed to the Army" are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

§ 4628. Airplane parts and accessories: civilian flying schools

The Secretary of the Army may sell, to civilian flying schools at which personnel of the Department of the Army or the Department of the Air Force are receiving flight training under contracts requiring these schools to maintain and repair airplanes of the Army furnished to them for flight training, the spare parts and accessories needed for those repairs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 259.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4628	10:298c.	Feb. 12, 1940, ch. 27, Title I (proviso under "Air Corps"), 54 Stat. 25.

The words "under the provisions of the Act of Apr. 3, 1939, ch. 35, 53 Stat. 555" are omitted as obsolete, since training formerly performed under that act is now performed under section 4301 of this title. The words "personnel of the Department of the Army or the Department of the Air Force" are substituted for the words "flying cadets", since the authority is reciprocal, and to conform to section 4656 of this title. The words "flying cadet" are omitted as obsolete. 10:298c (last 28 words) is omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

§ 4629. Proceeds: disposition

The proceeds of sales of the following shall be paid into the Treasury to the credit of the appropriation out of which they were purchased, and are available for the purposes of that appropriation:

(1) Exterior articles of uniform sold under section 4621 of this title.

(2) Supplies and military publications sold to educational institutions under section 4627 of this title.

(3) Fuel, oil, other supplies, and services for aircraft of a foreign military or air attache sold under section 4626 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 260.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4629	10:1179 (proviso). 10:1395 (last sentence). 22:259 (last sentence).	Feb. 14, 1927, ch. 134 (last sentence), 44 Stat. 1096. July 17, 1914, ch. 149 (proviso), 38 Stat. 512. May 31, 1939, ch. 161 (last sentence), 53 Stat. 796.

CHAPTER 441—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO ARMED FORCES

Sec.
4651. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.
4652. Rifles and ammunition for target practice: educational institutions having corps of cadets.
4653. Ordnance and ordnance stores: District of Columbia high schools.
4654. Quartermaster supplies: military instruction camps.
4655. Arms and ammunition: agencies and departments of the United States.
4656. Aircraft and equipment: civilian aviation schools.
4657. Sale of ammunition for avalanche-control purposes.

AMENDMENTS

1984—Pub. L. 98–525, title XV, § 1538(a)(2), Oct. 19, 1984, 98 Stat. 2636, added item 4657.

§ 4651. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.

Under such conditions as he may prescribe, the Secretary of the Army may issue arms, tentage, and equipment that he considers necessary for proper military training, to any educational institution at which no unit of the Reserve Officers' Training Corps is maintained, but which has a course in military training prescribed by the Secretary and which has at least 100 physically fit students over 14 years of age.

(Aug. 10, 1956, ch. 1041, 70A Stat. 260; Pub. L. 99–145, title XIII, § 1301(b(3)(C), Nov. 8, 1985, 99 Stat. 736.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4651	10:1180.	June 3, 1916, ch. 134, § 55c (words before semicolon); added June 4, 1920, ch. 227, subch. I, § 35 (words of last par. before semicolon), 41 Stat. 780.

The reference to schools ''other than those provided for in section 381 of this title'' is omitted as covered by the descriptions of the educational institutions.

AMENDMENTS

1985—Pub. L. 99–145 struck out ''male'' before ''students''.

§ 4652. Rifles and ammunition for target practice: educational institutions having corps of cadets

(a) The Secretary of the Army may lend, without expense to the United States, magazine rifles and appendages that are not of the existing service models in use at the time and that are not necessary for a proper reserve supply, to any educational institution having a uniformed corps of cadets of sufficient number for target practice. He may also issue 40 rounds of ball cartridges for each cadet for each range at which target practice is held, but not more than 120 rounds each year for each cadet participating in target practice.

(b) The institutions to which property is lent under subsection (a) shall use it for target practice, take proper care of it and return it when required.

(c) The Secretary shall prescribe regulations to carry out this section, containing such other requirements as he considers necessary to safeguard the interests of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 260.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4652(a) ..... 4652(b) ..... 4652(c)	10:1185 (1st par.). 10:1185 (last par., less 1st 22, and last 19, words). 10:1185 (1st 22, and last 19, words of last par.).	Apr. 27, 1914, ch. 72 (last proviso and last par. under ''Manufacture of Arms''), 38 Stat. 370.

In subsection (a), the words ''and carrying on military training'' and ''the maintenance of'' are omitted as surplusage. In clause (2), the words ''suitable to said arm'' are omitted as surplusage.

In subsection (b), the words ''shall use it for target practice'' are substituted for the words ''insuring the designed use of the property issued''. The words ''take proper care of it'' are substituted for the words ''providing against loss to the United States through lack of proper care''.

§ 4653. Ordnance and ordnance stores: District of Columbia high schools

The Secretary of the Army, under regulations to be prescribed by him, may issue to the high schools of the District of Columbia ordnance and ordnance stores required for military instruction and practice. The Secretary shall require a bond in double the value of the property issued under this section, for the care and safekeeping of that property and, except for property properly expended, for its return when required.

(Aug. 10, 1956, ch. 1041, 70A Stat. 261.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4653	10:1183.	Feb. 5, 1891, J. Res. 9, 26 Stat. 1113.

The words ''at his discretion and'', ''belonging to the Government, and which can be spared for that purpose'', and ''in each case'' are omitted as surplusage. The words ''high schools of the'' are substituted for the

words ''High School of Washington'' since the various high schools of the District of Columbia have succeeded the Washington High School that existed at the time the statute was enacted. The words ''except for property properly expended'' are inserted for clarity.

§ 4654. Quartermaster supplies: military instruction camps

Under such conditions as he may prescribe, the Secretary of the Army may issue, to any educational institution at which an Army officer is detailed as professor of military science and tactics, such quartermaster supplies as are necessary to establish and maintain a camp for the military instruction of its students. The Secretary shall require a bond in the value of the property issued under this section, for the care and safekeeping of that property and, except for property properly expended, for its return when required.

(Aug. 10, 1956, ch. 1041, 70A Stat. 261.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4654	10:1182.	May 18, 1916, ch. 124, 39 Stat. 123.

The words ''at his discretion and'' and ''belonging to the Government, and which can be spared for that purpose, as may appear to be'' are omitted as surplusage. The words ''except for property properly expended'' are inserted for clarity. The word ''stores'' is omitted as covered by the word ''supplies''.

§ 4655. Arms and ammunition: agencies and departments of the United States

(a) Whenever required for the protection of public money and property, the Secretary of the Army may lend arms and their accouterments, and issue ammunition, to a department or independent agency of the United States, upon request of its head. Property lent or issued under this subsection may be delivered to an officer of the department or agency designated by the head thereof, and that officer shall account for the property to the Secretary of the Army. Property lent or issued under this subsection and not properly expended shall be returned when it is no longer needed.

(b) The department or agency to which property is lent or issued under subsection (a) shall transfer funds to the credit of the Department of the Army to cover the costs of—

(1) ammunition issued;

(2) replacing arms and accouterments that have been lost or destroyed, or cannot be repaired;

(3) repairing arms and accouterments returned to the Department of the Army; and

(4) making and receiving shipments by the Department of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 261.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4655(a)	50:61 (less proviso).	Mar. 3, 1879, ch. 183 (2d par. under ''Miscellaneous''); restated Apr. 14, 1937, ch. 79, 50 Stat. 63.
4655(b)	50:61 (proviso).	

In subsection (a), the word ''lend'' is substituted for the word ''issue'', with respect to arms and accouterments, since the property must be returned when the necessity for its use has expired. The words ''and not properly expended'' are inserted for clarity. The words ''United States'' are substituted for the word ''Government''. The word ''their'' is substituted for the words ''suitable for use therewith''. The words ''it is no longer needed'' are substituted for the words ''the necessity for their use has expired''.

In subsection (b), the words ''hereafter'', ''borrowed'', and ''under the authority of this section'' are omitted as surplusage.

§ 4656. Aircraft and equipment: civilian aviation schools

The Secretary of the Army, under regulations to be prescribed by him, may lend aircraft, aircraft parts, and aeronautical equipment and accessories that are required for instruction, training, and maintenance, to accredited civilian aviation schools at which personnel of the Department of the Army or the Department of the Air Force are pursuing a course of instruction and training under detail by competent orders.

(Aug. 10, 1956, ch. 1041, 70A Stat. 261; Pub. L. 97–295, § 1(42), Oct. 12, 1982, 96 Stat. 1298.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4656	10:298b.	Apr. 3, 1939, ch. 35, § 4, 53 Stat. 556.

The words ''in his discretion and'', ''rules'', ''limitations'', and ''on hand and belonging to the Government, such articles as may appear to be'' are omitted as surplusage. The words ''Department of the Army or the Department of the Air Force'' are substituted for the words ''Military Establishment'', since the authority is reciprocal.

AMENDMENTS

1982—Pub. L. 97–295 struck out '', and at least one of which is designated by the Civil Aeronautics Authority for the training of Negro air pilots'' after ''competent orders''.

§ 4657. Sale of ammunition for avalanche-control purposes

Subject to the needs of the Army, the Secretary of the Army may sell ammunition for military weapons which are used for avalanche-control purposes to any State (or entity of a State) or to any other non-Federal entity that has been authorized by a State to use those weapons in that State for avalanche-control purposes. Sales of ammunition under this section shall be on a reimbursable basis and shall be subject to the condition that the ammunition be used only for avalanche-control purposes.

(Added Pub. L. 98–525, title XV, § 1538(a)(1), Oct. 19, 1984, 98 Stat. 2636.)

EFFECTIVE DATE

Section 1538(b) of Pub. L. 98–525 provided that: ''Section 4657 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.''

CHAPTER 443—DISPOSAL OF OBSOLETE OR SURPLUS MATERIAL

Sec.
4681. Surplus war material: sale to States and foreign governments.

Sec.
4682. Obsolete or excess material: sale to National Council of Boy Scouts of America.
4683. Excess M–1 rifles: loan or donation for funeral and other ceremonial purposes.
4684. Surplus obsolete ordnance: sale to patriotic organizations.
4685. Obsolete ordnance: loan to educational institutions and State soldiers and sailors' orphans' homes.
4686. Obsolete ordnance: gift to State homes for soldiers and sailors.
4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.
4688. Armor-piercing ammunition and components: condition on disposal.
4689. Transfer of material and equipment to the Architect of the Capitol.
4690. Recyclable munitions materials: sale; use of proceeds.

AMENDMENTS

2006—Pub. L. 109–364, div. A, title III, § 353(b), Oct. 17, 2006, 120 Stat. 2161, added item 4690.

2002—Pub. L. 107–217, § 2(2), Aug. 21, 2002, 116 Stat. 1295, added item 4689.

2000—Pub. L. 106–398, § 1 [[div. A], title III, § 382(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–85, added item 4688.

1999—Pub. L. 106–65, div. A, title III, § 381(d)(2), Oct. 5, 1999, 113 Stat. 583, substituted "Excess M–1 rifles: loan or donation for funeral and other ceremonial purposes" for "Obsolete or condemned rifles: loan to local units of recognized veterans' organizations" in item 4683.

1997—Pub. L. 105–85, div. A, title X, § 1065(a)(2), Nov. 18, 1997, 111 Stat. 1895, added item 4687.

§ 4681. Surplus war material: sale to States and foreign governments

Subject to regulations under section 121 of title 40, the Secretary of the Army may sell surplus war material and supplies, except food, of the Department of the Army, for which there is no adequate domestic market, to any State or to any foreign government with which the United States was at peace on June 5, 1920. Sales under this section shall be made upon terms that the Secretary considers expedient.

(Aug. 10, 1956, ch. 1041, 70A Stat. 262; Pub. L. 96–513, title V, § 512(19), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 107–217, § 3(b)(24), Aug. 21, 2002, 116 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4681	10:1262.	June 5, 1920, ch. 240 (2d proviso under "Contingencies of the Army"), 41 Stat. 949; Oct. 31, 1951, ch. 654, § 2(8), 65 Stat. 707.

The word "may" is substituted for the words "is authorized in his discretion to". The words "war material" are substituted for the word "matériel". The words "or equipment" are omitted as covered by the word "supplies". The words "of the Department of the Army" are substituted for the words "pertaining to the Military Establishment". The words "which are not needed for military purposes" are omitted as covered by the word "surplus". The words "as or may be found to be" are omitted as surplusage.

AMENDMENTS

2002—Pub. L. 107–217 substituted "section 121 of title 40" for "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

1980—Pub. L. 96–513 substituted "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" for "section 486 of title 40".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 4682. Obsolete or excess material: sale to National Council of Boy Scouts of America

Subject to regulations under section 121 of title 40, the Secretary of the Army, under such conditions as he may prescribe, may sell obsolete or excess material to the National Council of the Boy Scouts of America. Sales under this section shall be at fair value to the Department of the Army, including packing, handling, and transportation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 262; Pub. L. 96–513, title V, § 512(19), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 107–217, § 3(b)(25), Aug. 21, 2002, 116 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4682	10:1259.	May 15, 1937, ch. 193, 50 Stat. 167; Oct. 31, 1951, ch. 654, § 2(7), 65 Stat. 707.

The words "obsolete or excess material" are substituted for the words "such obsolete material as may not be needed by the Department of the Army, and such other material as may be spared" to conform to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.). The words "in his discretion" are omitted as surplusage.

AMENDMENTS

2002—Pub. L. 107–217 substituted "section 121 of title 40" for "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

1980—Pub. L. 96–513 substituted "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" for "section 486 of title 40".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 4683. Excess M–1 rifles: loan or donation for funeral and other ceremonial purposes

(a) AUTHORITY TO LEND OR DONATE.—(1) The Secretary of the Army, under regulations prescribed by the Secretary, may conditionally lend or donate excess M–1 rifles (not more than 15), slings, and cartridge belts to any eligible organization for use by that organization for funeral ceremonies of a member or former member of the armed forces, and for other ceremonial purposes.

(2) If the rifles to be loaned or donated under paragraph (1) are to be used by the eligible organization for funeral ceremonies of a member or former member of the armed forces, the Secretary may issue and deliver the rifles, together with the necessary accoutrements and blank ammunition, without charge.

(b) RELIEF FROM LIABILITY.—The Secretary may relieve an eligible organization to which

materials are lent or donated under subsection (a), and the surety on its bond, from liability for loss or destruction of the material lent or donated, if there is conclusive evidence that the loss or destruction did not result from negligence.

(c) CONDITIONS ON LOAN OR DONATION.—In lending or donating rifles under subsection (a), the Secretary shall impose such conditions on the use of the rifles as may be necessary to ensure security, safety, and accountability. The Secretary may impose such other conditions as the Secretary considers appropriate.

(d) ELIGIBLE ORGANIZATION DEFINED.—In this section, the term ''eligible organization'' means—

(1) a unit or other organization of honor guards recognized by the Secretary of the Army as honor guards for a national cemetery;

(2) a law enforcement agency; or

(3) a local unit of any organization that, as determined by the Secretary of the Army, is a nationally recognized veterans' organization.

(Aug. 10, 1956, ch. 1041, 70A Stat. 262; Pub. L. 101–189, div. A, title XVI, § 1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 106–65, div. A, title III, § 381(a)–(d)(1), Oct. 5, 1999, 113 Stat. 582.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4683(a)	50:62.	Feb. 10, 1920, ch. 64; restated June 5, 1920, ch. 240 (par. under ''Rifles and Accessories for Organizations of War Veterans''); restated May 26, 1952, ch. 364, 66 Stat. 94.
4683(b)	50:62b.	Dec. 15, 1926, ch. 10, 44 Stat. 922.

In subsection (a), the words ''rules, limitations'' and ''in suitable amounts'' are omitted as surplusage. The words ''(not more than 10)'' are substituted for 50:62 (proviso). The words ''any local unit'' are substituted for the words ''posts or camps'', before the words ''of national''. The words ''that unit'' are substituted for the word ''them''. The words ''those units'' are substituted for the words ''such posts and camps''. The words ''a member or former member of the armed forces'' are substituted for the words ''soldiers, sailors, and marines''. Clause (2) is substituted for 50:62 (words between semicolon and colon).

In subsection (b), the words ''a unit to which materials are lent under subsection (a)'' are substituted for the description of the posts or camps covered. The words ''the material lent'' are substituted for the words ''obsolete or condemned Army rifles, slings, and cartridge belts loaned by the Secretary of the Army under authority of section 62 of this title''.

AMENDMENTS

1999—Pub. L. 106–65, § 381(d)(1), substituted ''Excess M–1 rifles: loan or donation for funeral and other ceremonial purposes'' for ''Obsolete or condemned rifles: loan to local units of recognized veterans' organizations'' in section catchline.

Subsec. (a). Pub. L. 106–65, § 381(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary of the Army, under regulations to be prescribed by him, may—

''(1) lend obsolete or condemned rifles (not more than 10), slings, and cartridge belts to any local unit of any national veterans' organization recognized by the Department of Veterans Affairs, for use by that unit for funeral ceremonies of a member or former member of the armed forces, and for other ceremonial purposes; and

''(2) issue and deliver to those units blank ammunition for those rifles—

''(A) without charge, if it is to be used for ceremonies at national cemeteries; and

''(B) without charge, except for packing, handling, and transportation, if it is to be used for other ceremonies.''

Subsec. (b). Pub. L. 106–65, § 381(c), inserted heading, substituted ''an eligible organization'' for ''a unit'' and ''lent or donated'' for ''lent'' in two places.

Subsecs. (c), (d). Pub. L. 106–65, § 381(b), added subsecs. (c) and (d).

1989—Subsec. (a)(1). Pub. L. 101–189 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

REPORT ON IMPLEMENTATION

Pub. L. 106–65, div. A, title III, § 381(e), Oct. 5, 1999, 113 Stat. 583, provided that, not later than two years after Oct. 5, 1999, the Comptroller General was to review the exercise of authority under this section and submit to Congress a report on the findings resulting from the review.

§ 4684. Surplus obsolete ordnance: sale to patriotic organizations

Subject to regulations under section 121 of title 40, any branch, office, or officer designated by the Secretary of the Army may sell, without advertisement and at prices that he considers reasonable—

(1) surplus obsolete small arms and ammunition and equipment for them, to any patriotic organization for military purposes; and

(2) surplus obsolete brass or bronze cannons, carriages, and cannon balls, for public parks, public buildings, and soldiers' monuments.

(Aug. 10, 1956, ch. 1041, 70A Stat. 262; Pub. L. 96–513, title V, § 512(19), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 107–217, § 3(b)(26), Aug. 21, 2002, 116 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4684	50:64. 50:68.	May 28, 1908, ch. 215, § 14, 35 Stat. 443; June 28, 1950, ch. 383, § 402(g), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2(26), 65 Stat. 707. Mar. 4, 1909, ch. 319, § 47, 35 Stat. 1075; June 28, 1950, ch. 383, § 402(i), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2(28), 65 Stat. 707.

50:64 (proviso) and 50:68 (proviso) are omitted as surplusage.

AMENDMENTS

2002—Pub. L. 107–217 substituted ''section 121 of title 40'' for ''section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)'' in introductory provisions.

1980—Pub. L. 96–513 substituted ''section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)'' for ''section 486 of title 40''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 4685. Obsolete ordnance: loan to educational institutions and State soldiers and sailors' orphans' homes

(a) Upon the recommendation of the governor of the State concerned or Guam or the Virgin Islands, the Secretary of the Army, under regulations to be prescribed by him and without cost to the United States for transportation, may lend obsolete ordnance and ordnance stores to State, Guam, and the Virgin Islands educational institutions and to State soldiers and sailors' orphans' homes, for drill and instruction. However, no loan may be made under this subsection to an institution to which ordnance or ordnance stores may be issued under any law that was in effect on June 30, 1906, and is still in effect.

(b) The Secretary shall require a bond from each institution or home to which property is lent under subsection (a), in double the value of the property lent, for the care and safekeeping of that property and, except for property properly expended, for its return when required.

(Aug. 10, 1956, ch. 1041, 70A Stat. 263; Pub. L. 109–163, div. A, title X, § 1057(a)(10), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4685(a)	50:62a (1st par. and proviso of last par.).	June 30, 1906, ch. 3938, 34 Stat. 817.
4685(b)	50:62a (last par., less proviso).	

In subsection (a), the words ''at his discretion'' and ''as may be available'' are omitted as surplusage. The word ''lend'' is substituted for the word ''issue'' to reflect the intent of the section. 50:62a (1st 13 words of proviso) is omitted as surplusage. The words ''and which is still in effect'' are inserted for clarity.

In subsection (b), the words ''to the United States'' are omitted as surplusage. The words ''except property properly expended'' are inserted for clarity.

The words ''subject to such regulations as he may prescribe'' are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words ''to any of the 'National Homes for Disabled Volunteer Soldiers' already established or hereafter established and'', in the Act of February 8, 1889, ch. 116, 25 Stat. 657, are not contained in 50:66 (1st sentence). They are also omitted from the revised section, since the National Homes for Disabled Volunteer Soldiers were dissolved by the Act of July 3, 1930, ch. 863, 46 Stat. 1016. The Acts of March 3, 1899, ch. 643 (1st proviso under ''Ordnance Department''), 30 Stat. 1073; and May 26, 1900, ch. 586 (1st proviso under ''Ordnance Department''), 31 Stat. 216, as amended, relating to disposal of ordnance to ''Homes for Disabled Volunteer Soldiers'' by the Chief of Ordnance, became inoperative when the Homes were dissolved. Although section 402(e) of the Army Organization Act of 1950, ch. 383, 64 Stat. 273, amended the Act of May 26, 1900, it did not have the effect of reviving that act. The word ''give'' is substituted for the word ''deliver'' to express more clearly the intent of the section. The words ''serviceable'' and ''as may be on hand undisposed of'' are omitted as surplusage. The word ''may'' is substituted for the words ''is authorized and directed'', since section 4684 of this title provides an alternative method for the disposal of obsolete cannon.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–163 substituted ''State concerned or Guam or the Virgin Islands'' for ''State or Territory concerned'' and ''State, Guam, and the Virgin Islands'' for ''State and Territorial''.

§ 4686. Obsolete ordnance: gift to State homes for soldiers and sailors

Subject to regulations under section 121 of title 40, the Secretary of the Army may give not more than two obsolete bronze or iron cannons suitable for firing salutes to any home for soldiers or sailors established and maintained under State authority.

(Aug. 10, 1956, ch. 1041, 70A Stat. 263; Pub. L. 96–513, title V, § 512(19), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 107–217, § 3(b)(27), Aug. 21, 2002, 116 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4686	50:66.	Feb. 8, 1889, ch. 116, 25 Stat. 657; Oct. 31, 1951, ch. 654, § 2(27), 65 Stat. 707. Mar. 3, 1899, ch. 423 (1st proviso under ''Ordnance Department''), 30 Stat. 1073; May 26, 1900, ch. 586 (1st proviso under ''Ordnance Department''), 31 Stat. 216; June 28, 1950, ch. 383, § 402(e), 64 Stat. 273.

AMENDMENTS

2002—Pub. L. 107–217 substituted ''section 121 of title 40'' for ''section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)''.

1980—Pub. L. 96–513 substituted ''section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)'' for ''section 486 of title 40''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components

(a) AUTHORITY TO SELL OUTSIDE DOD.—The Secretary of the Army may sell to an eligible purchaser described in subsection (c) ammunition or ammunition components that are excess, obsolete, or unserviceable and have not been demilitarized if—

(1) the purchaser enters into an agreement, in advance, with the Secretary—

(A) to demilitarize the ammunition or components; and

(B) to reclaim, recycle, or reuse the component parts or materials; or

(2) the Secretary, or an official of the Department of the Army designated by the Secretary, approves the use of the ammunition or components proposed by the purchaser as being consistent with the public interest.

(b) METHOD OF SALE.—The Secretary shall use competitive procedures to sell ammunition and ammunition components under this section, except that the Secretary may use procedures other than competitive procedures in any case in which the Secretary determines that there is only one potential buyer of the items being offered for sale.

(c) ELIGIBLE PURCHASERS.—To be eligible to purchase excess, obsolete, or unserviceable ammunition or ammunition components under this

section, the purchaser shall be a licensed manufacturer (as defined in section 921(a)(10) of title 18) that, as determined by the Secretary, has a capability to modify, reclaim, transport, and either store or sell the ammunition or ammunition components sought to be purchased.

(d) HOLD HARMLESS AGREEMENT.—The Secretary shall require a purchaser of ammunition or ammunition components under this section to agree to hold harmless and indemnify the United States from any claim for damages for death, injury, or other loss resulting from a use of the ammunition or ammunition components, except in a case of willful misconduct or gross negligence of a representative of the United States.

(e) VERIFICATION OF DEMILITARIZATION.—The Secretary shall establish procedures for ensuring that a purchaser of ammunition or ammunition components under this section demilitarizes the ammunition or ammunition components in accordance with any agreement to do so under subsection (a)(1). The procedures shall include onsite verification of demilitarization activities.

(f) CONSIDERATION.—The Secretary may accept ammunition, ammunition components, or ammunition demilitarization services as consideration for ammunition or ammunition components sold under this section. The fair market value of any such consideration shall be equal to or exceed the fair market value or, if higher, the sale price of the ammunition or ammunition components sold.

(g) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the applicability of section 38 of the Arms Export Control Act (22 U.S.C. 2778) to sales of ammunition or ammunition components on the United States Munitions List.

(h) DEFINITIONS.—In this section:

(1) The term ''excess, obsolete, or unserviceable'', with respect to ammunition or ammunition components, means that the ammunition or ammunition components are no longer necessary for war reserves or for support of training of the Army or production of ammunition or ammunition components.

(2) The term ''demilitarize'', with respect to ammunition or ammunition components—

(A) means to destroy the military offensive or defensive advantages inherent in the ammunition or ammunition components; and

(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the ammunition or ammunition components for the military purposes for which the ammunition or ammunition components was designed or for a lethal purpose.

(Added Pub. L. 105–85, div. A, title X, § 1065(a)(1), Nov. 18, 1997, 111 Stat. 1893; amended Pub. L. 109–364, div. A, title X, § 1071(a)(30), Oct. 17, 2006, 120 Stat. 2399.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109–364 substituted ''921(a)(10)'' for ''921(10)''.

REVIEW OF INITIAL SALES

Pub. L. 105–85, div. A, title X, § 1065(b), Nov. 18, 1997, 111 Stat. 1895, provided that for each of the first three fiscal years during which the Secretary of the Army sold ammunition or ammunition components under the authority of this section, the Director of the Army Audit Agency was to conduct a review of sales under this section and, not later than 180 days after the end of each fiscal year in which the review was conducted, the Secretary of the Army was to submit to Congress a report containing the results of the review for the fiscal year covered by the report.

§ 4688. Armor-piercing ammunition and components: condition on disposal

(a) LIMITATION ON RESALE OR OTHER TRANSFER.—Except as provided in subsection (b), whenever the Secretary of the Army carries out a disposal (by sale or otherwise) of armor-piercing ammunition, or a component of armor-piercing ammunition, the Secretary shall require as a condition of the disposal that the recipient agree in writing not to sell or otherwise transfer any of the ammunition (reconditioned or otherwise), or any armor-piercing component of that ammunition, to any purchaser in the United States other than a law enforcement or other governmental agency.

(b) EXCEPTION.—Subsection (a) does not apply to a transfer of a component of armor-piercing ammunition solely for the purpose of metal reclamation by means of a destructive process such as melting, crushing, or shredding.

(c) SPECIAL RULE FOR NON-ARMOR-PIERCING COMPONENTS.—A component of the armor-piercing ammunition that is not itself armor-piercing and is not subjected to metal reclamation as described in subsection (b) may not be used as a component in the production of new or remanufactured armor-piercing ammunition other than for sale to a law enforcement or other governmental agency or for a government-to-government sale or commercial export to a foreign government under the Arms Export Control Act (22 U.S.C. 2751).

(d) DEFINITION.—In this section, the term ''armor-piercing ammunition'' means a center-fire cartridge the military designation of which includes the term ''armor penetrator'' or ''armor-piercing'', including a center-fire cartridge designated as armor-piercing incendiary (API) or armor-piercing incendiary-tracer (API–T).

(Added Pub. L. 106–398, § 1 [[div. A], title III, § 382(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–85.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (c), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

EFFECTIVE DATE

Pub. L. 106–398, § 1 [[div. A], title III, § 382(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–85, provided that: ''Section 4688 of title 10, United States Code, as added by subsection (a), shall apply with respect to any disposal of ammunition or components referred to in that section after the date of the enactment of this Act [Oct. 30, 2000].''

§ 4689. Transfer of material and equipment to the Architect of the Capitol

The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol power plant, the Capitol, and the Senate and House Office Buildings.

(Added Pub. L. 107–217, § 2(1), Aug. 21, 2002, 116 Stat. 1294; amended Pub. L. 108–375, div. A, title X, § 1084(d)(29), Oct. 28, 2004, 118 Stat. 2063.)

AMENDMENTS

2004—Pub. L. 108–375 struck out ''Building'' after ''Capitol power plant, the Capitol''.

§ 4690. Recyclable munitions materials: sale; use of proceeds

(a) AUTHORITY FOR PROGRAM.—Notwithstanding section 2577 of this title, the Secretary of the Army may carry out a program to sell recyclable munitions materials resulting from the demilitarization of conventional military munitions without regard to chapter 5 of title 40 and use any proceeds in accordance with subsection (c).

(b) METHOD OF SALE.—The Secretary shall use competitive procedures to sell recyclable munitions materials under this section in a manner consistent with Federal procurement laws and regulations.

(c) PROCEEDS.—(1) Proceeds from the sale of recyclable munitions materials under this section shall be credited to an account that is specified as being for Army ammunition demilitarization from funds made available for the procurement of ammunition, to be available only for reclamation, recycling, and reuse of conventional military munitions (including research and development and equipment purchased for such purpose).

(2) Amounts credited under this subsection shall be available for obligation for the fiscal year during which the funds are so credited and for three subsequent fiscal years.

(d) REGULATIONS.—The Secretary shall prescribe regulations to carry out the program established under this section. Such regulations shall be consistent and in compliance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the regulations implementing that Act.

(Added Pub. L. 109–364, div. A, title III, § 353(a), Oct. 17, 2006, 120 Stat. 2161.)

REFERENCES IN TEXT

The Solid Waste Disposal Act, referred to in subsec. (d), is title II of Pub. L. 89–272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94–580, § 2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§ 6901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of Title 42 and Tables.

CHAPTER 445—DISPOSITION OF EFFECTS OF DECEASED PERSONS; CAPTURED FLAGS

Sec.
[4711. Repealed.]
4712. Disposition of effects of deceased persons by summary court-martial.
[4713. Repealed.]
4714. Collection of captured flags, standards, and colors.

AMENDMENTS

1999—Pub. L. 106–65, div. A, title VII, § 721(c)(3), (5), Oct. 5, 1999, 113 Stat. 694, 695, substituted ''DISPOSITION'' for ''INQUESTS; DISPOSITION'' in chapter heading and struck out item 4711 ''Inquests''.

1990—Pub. L. 101–510, div. A, title XV, § 1533(a)(7)(B), Nov. 5, 1990, 104 Stat. 1734, struck out item 4713 ''Disposition of effects of deceased persons by Soldiers' and Airmen's Home''.

1980—Pub. L. 96–513, title V, § 512(21)(C), Dec. 12, 1980, 94 Stat. 2930, inserted ''and Airmen's'' after ''Soldiers' '' in item 4713.

[§ 4711. Repealed. Pub. L. 106–65, div. A, title VII, § 721(b), Oct. 5, 1999, 113 Stat. 694]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 263, related to inquests.

§ 4712. Disposition of effects of deceased persons by summary court-martial

(a) Upon the death of—

(1) a person subject to military law at a place or command under the jurisdiction of the Army; or

(2) a resident of the Armed Forces Retirement Home who dies in an Army hospital outside the District of Columbia when sent from the Home to that hospital for treatment;

the commanding officer of the place or command shall permit the legal representative or the surviving spouse of the deceased, if present, to take possession of the effects of the deceased that are then in camp or quarters.

(b) If there is no legal representative or surviving spouse present, the commanding officer shall direct a summary court-martial to collect the effects of the deceased that are then in camp or quarters.

(c) The summary court-martial may collect debts due the decedent's estate by local debtors, pay undisputed local creditors of the deceased to the extent permitted by money of the deceased in the court's possession, and shall take receipts for those payments, to be filed with the court's final report to the Department of the Army.

(d) As soon as practicable after the collection of the effects and money of the deceased, the summary court-martial shall send them at the expense of the United States to the living person highest on the following list who can be found by the court:

(1) The surviving spouse or legal representative.

(2) A child of the deceased.

(3) A parent of the deceased.

(4) A brother or sister of the deceased.

(5) The next-of-kin of the deceased.

(6) A beneficiary named in the will of the deceased.

(e) If the summary court-martial cannot dispose of the effects under subsection (d) because there are no persons in those categories or because the court finds that the addresses of the persons are not known or readily ascertainable, the court may convert the effects of the deceased, except sabers, insignia, decorations,

medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, into cash, by public or private sale, but not until 30 days after the date of death of the deceased.

(f) As soon as practicable after the effects have been converted into cash under subsection (e), the summary court-martial shall deposit all cash in the court's possession and belonging to the estate with the officer designated in regulations, and shall send a receipt therefor, together with any will or other papers of value, an inventory of the effects, and articles not permitted to be sold, to the executive part of the Department of the Army. The Secretary of the Army shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Army under this subsection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 264; Pub. L. 89–718, § 30, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 96–513, title V, § 512(20), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 99–145, title XIII, § 1301(b)(4)(A), Nov. 8, 1985, 99 Stat. 736; Pub. L. 101–510, div. A, title XV, § 1533(a)(6), Nov. 5, 1990, 104 Stat. 1734; Pub. L. 104–316, title II, § 202(g), Oct. 19, 1996, 110 Stat. 3842.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4712(a)	5:150j (words before 1st semicolon of 1st par.; and last par.).	June 4, 1920, ch. 227, subch. II, § 1 (Art. 112), 41 Stat. 809; May 5, 1950, ch. 169, § 6(c), 64 Stat. 145.
4712(b)	5:150j (22 words after 1st semicolon of 1st par.).	
4712(c)	5:150j (words between 1st and 2d semicolons of 1st par., less 1st 22 words).	
4712(d)	5:150j (words between 2d and 3d semicolons of 1st par.).	
4712(e)	5:150j (words between 3d and 4th semicolons of 1st par.).	
4712(f)	5:150j (1st par., less words before 4th semicolon, and less last 40 words).	
4712(g)	5:150j (last 40 words of 1st par.).	

In subsection (a), the words "the court-martial jurisdiction of the Army or the Air Force at a place or command under the jurisdiction of the Army" are substituted for the words "military law", to reflect the creation of a separate Air Force. Clause (2) is substituted for 5:150j (last par.).

In subsections (a), (b), and (d), the words "surviving spouse" are substituted for the word "widow".

In subsection (c), the word "may" is substituted for the words "shall have authority to". The words "to the extent permitted" are substituted for the words "in so far as will permit". The words "under this article" and "upon its transactions" are omitted as surplusage.

In subsection (d), the words "through the Quartermaster Corps" are omitted, since the functions are no longer lodged in the Quartermaster Corps. The words "if such be found by said court" are omitted as surplusage. The words "United States" are substituted for the word "Government". 5:150j (19 words before 3d semicolon of 1st par.) is omitted as covered by subsection (g).

In subsection (e), the first 37 words are substituted for 5:150j (33 words after 3d semicolon of 1st par.). The word "may" is substituted for the words "shall have the authority".

In subsection (f), the words "Soldiers' Home" are inserted, since, as provided in section 4713 of this title, the Home is now the place where the mentioned articles are sent.

AMENDMENTS

1996—Subsec. (g). Pub. L. 104–316 struck out subsec. (g) which read as follows: "The summary court-martial shall make a full report of the transactions under this section, with respect to the deceased, to the Department of the Army for transmission to the General Accounting Office for action authorized in the settlement of accounts of deceased members of the Army."

1990—Subsec. (a)(2). Pub. L. 101–510, § 1533(a)(6)(A), substituted "a resident of the Armed Forces Retirement Home" for "an inmate of the United States Soldiers' and Airmen's Home".

Subsec. (f). Pub. L. 101–510, § 1533(a)(6)(B), struck out "for transmission to the United States Soldiers' and Airmen's Home" after "Department of the Army" and inserted at end "The Secretary of the Army shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Army under this subsection."

1985—Subsec. (d). Pub. L. 99–145 substituted new pars. (1) to (6) for former pars. (1) to (9) which read as follows:

"(1) Surviving spouse or legal representative.
"(2) Son.
"(3) Daughter.
"(4) Father, if he has not abandoned the support of his family.
"(5) Mother.
"(6) Brother.
"(7) Sister.
"(8) Next of kin.
"(9) Beneficiary named in the will of the deceased."

1980—Subsecs. (a)(2), (f). Pub. L. 96–513 substituted "United States Soldiers' and Airmen's Home" for "Soldiers' Home".

1966—Subsec. (a). Pub. L. 89–718 substituted "military law" for "the court-martial jurisdiction of the Army or the Air Force".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–510 effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101–510, formerly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

[§ 4713. Repealed. Pub. L. 101–510, div. A, title XV, § 1533(a)(7)(A), Nov. 5, 1990, 104 Stat. 1734]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 265; Dec. 12, 1980, Pub. L. 96–513, title V, § 512(21)(A), (B), 94 Stat. 2930; Nov. 8, 1985, Pub. L. 99–145, title XIII, § 1301(b)(4)(B), 99 Stat. 736; Nov. 29, 1989, Pub. L. 101–189, div. A, title XVI, § 1621(a)(1), 103 Stat. 1602, related to disposition of effects of deceased persons by Soldiers' and Airmen's Home.

EFFECTIVE DATE OF REPEAL

Repeal effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101–510, formerly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

§ 4714. Collection of captured flags, standards, and colors

The Secretary of the Army shall have sent to him all flags, standards, and colors taken by the Army from enemies of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 266.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4714	5:198.	R.S. 218.

The words ''from time to time'', ''collected'', and ''at the seat of government'' are omitted as surplusage.

CHAPTER 447—TRANSPORTATION

Sec.
[4741 to 4748. Repealed or Renumbered.]
4749. Property: for United States surveys.

AMENDMENTS

2004—Pub. L. 108–375, div. A, title X, § 1072(d)(2), Oct. 28, 2004, 118 Stat. 2058, struck out items 4741 ''Control and supervision'', 4743 ''Officers: use of transportation'', 4744 ''Persons and supplies: sea transportation'', 4745 ''Civilian passengers and commercial cargoes: transports in trans-Atlantic service'', 4746 ''Civilian personnel in Alaska'', and 4747 ''Passengers and merchandise to Guam: sea transport''.

1996—Pub. L. 104–201, div. A, title IX, § 906(d)(2), Sept. 23, 1996, 110 Stat. 2620, struck out item 4742 ''Control of transportation systems in time of war''.

1962—Pub. L. 87–651, title I, § 119(2), Sept. 7, 1962, 76 Stat. 513, struck out item 4748 ''Motor vehicles: for members on permanent change of station''.

[§ 4741. Repealed. Pub. L. 108–375, div. A, title X, § 1072(c), Oct. 28, 2004, 118 Stat. 2058]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 266, related to control and supervision of transportation of members, munitions of war, equipment, military property, and stores of the Army throughout the United States.

[§ 4742. Renumbered § 2644]

[§ 4743. Repealed. Pub. L. 108–375, div. A, title X, § 1072(c), Oct. 28, 2004, 118 Stat. 2058]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 266, related to use of transportation by officers of the Army.

[§§ 4744 to 4747. Renumbered §§ 2648 to 2651]

[§ 4748. Repealed. Pub. L. 87–651, title I, § 119(1), Sept. 7, 1962, 76 Stat. 513]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 268, related to transportation of motor vehicles for members on permanent change of station. See section 2634 of this title.

§ 4749. Property: for United States surveys

Under regulations governing the transportation of Army supplies, any branch, office, or officer designated by the Secretary of the Army shall receive, transport, and be responsible for property turned over by the officers or agents of any United States survey, for the National Museum or for a department of the United States or field office thereof. The amount paid by the Army for transportation under this section shall be refunded to the Army by the National Museum or the department to which the property is consigned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 268.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4749	10:1377.	July 5, 1884, ch. 217 (9th proviso under ''Quartermaster's Department''), 23 Stat. 111; June 28, 1950, ch. 383, § 402(b), 64 Stat. 272.

The words ''a department of the United States or a field office thereof'' are substituted for the words ''the civil or naval departments of the Government, in Washington or elsewhere''. The words ''National Museum or the department to which the property is consigned'' are substituted for the words ''bureau to which such property or stores pertain''. The words ''United States'' are substituted for the word ''Government''. The words ''wherever stationed'' are omitted as surplusage.

CHAPTER 449—REAL PROPERTY

Sec.
4771. Acceptance of donations: land for mobilization, training, supply base, or aviation field.
4772. Heritage Center for the National Museum of the United States Army: development and operation.
[4774, 4775. Repealed.]
4776. Emergency construction: fortifications.
4777. Permits: military reservations; landing ferries, erecting bridges, driving livestock.
4778. Licenses: military reservations; erection and use of buildings; Young Men's Christian Association.
4779. Use of public property.
4780. Acquisition of buildings in District of Columbia.

AMENDMENTS

2004—Pub. L. 108–375, div. B, title XXVIII, § 2822(b), Oct. 28, 2004, 118 Stat. 2132, added item 4772.

1982—Pub. L. 97–295, § 1(43)(B), Oct. 12, 1982, 96 Stat. 1298, struck out item 4772 ''Reservation and use for air base or testing field''.

Pub. L. 97–214, § 10(a)(9)(A), July 12, 1982, 96 Stat. 175, struck out item 4774 ''Construction: limitations''.

1973—Pub. L. 93–166, title V, § 509(c), Nov. 29, 1973, 87 Stat. 677, substituted ''Construction: limitations'' for ''Construction of quarters: limitations on space and cost'' in item 4774.

1971—Pub. L. 92–145, title V, § 509(a), Oct. 27, 1971, 85 Stat. 408, struck out item 4775 ''Quarters: officers''.

1958—Pub. L. 85–861, § 1(105)(B), Sept. 2, 1958, 72 Stat. 1490, added item 4780.

§ 4771. Acceptance of donations: land for mobilization, training, supply base, or aviation field

The Secretary of the Army may accept for the United States a gift of—

(1) land that he considers suitable and desirable for a permanent mobilization, training, or supply station; and

(2) land that he considers suitable and desirable for an aviation field, if the gift is from a citizen of the United States and its terms authorize the use of the property by the United States for any purpose.

(Aug. 10, 1956, ch. 1041, 70A Stat. 268.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4771	10:1342. 10:1344.	Aug. 29, 1916, ch. 418 (6th and 8th pars. under ''Office of the Chief Signal Officer''), 39 Stat. 622, 623.

10:1344 (last 40 words) is omitted as executed. The words ''tract or tracts'', in 10:1342 and 1344, are omitted as surplusage. The words ''and remount station'', in 10:1342, are omitted, since the property and civilian personnel of the Remount Service of the Quartermaster Corps were transferred to the Department of Agriculture by the Act of April 21, 1948, ch. 224, 62 Stat. 197 (7 U.S.C. 436–438). The words ''by the United States for

any purpose'' are substituted for the words ''for any other service of the United States which may hereafter appear desirable'', in 10:1342. The words ''from any person'', in 10:1344, are omitted as surplusage.

§ 4772. Heritage Center for the National Museum of the United States Army: development and operation

(a) AGREEMENT FOR DEVELOPMENT OF CENTER.—The Secretary of the Army may enter into an agreement with the Army Historical Foundation, a nonprofit organization, for the design, construction, and operation of a facility or group of facilities at Fort Belvoir, Virginia, for the National Museum of the United States Army. The facility or group of facilities constructed pursuant to the agreement shall be known as the Heritage Center for the National Museum of the United States Army (in this section referred to as the ''Center'').

(b) PURPOSE OF CENTER.—The Center shall be used for the identification, curation, storage, and public viewing of artifacts and artwork of significance to the United States Army, as agreed to by the Secretary of the Army. The Center may also be used to support such education, training, research, and associated purposes as the Secretary considers appropriate.

(c) DESIGN AND CONSTRUCTION.—(1) The design of the Center shall be subject to the approval of the Secretary of the Army.

(2) For each phase of the development of the Center, the Secretary may—

(A) accept funds from the Army Historical Foundation for the design and construction of such phase of the Center; or

(B) permit the Army Historical Foundation to contract for the design and construction of such phase of the Center.

(d) ACCEPTANCE BY SECRETARY.—Upon the satisfactory completion, as determined by the Secretary of the Army, of any phase of the Center, and upon the satisfaction of any financial obligations incident to such phase of the Center by the Army Historical Foundation, the Secretary shall accept such phase of the Center from the Army Historical Foundation, and all right, title, and interest in and to such phase of the Center shall vest in the United States. Upon becoming the property of the United States, the Secretary shall assume administrative jurisdiction over the Center.

(e) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary of the Army, the Commander of the United States Army Center of Military History may, without regard to section 2601 of this title, accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the National Museum of the United States Army or the Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(f) LEASE OF FACILITY.—(1) Under such terms and conditions as the Secretary of the Army considers appropriate, the Secretary may lease portions of the Center to the Army Historical Foundation to be used by the Foundation, consistent with the purpose of the Center, for—

(A) generating revenue for activities of the Center through rental use by the public, commercial and nonprofit entities, State and local governments, and other Federal agencies; and

(B) such administrative purposes as may be necessary for the support of the Center.

(2) The annual amount of consideration paid to the Secretary by the Army Historical Foundation for a lease under paragraph (1) may not exceed an amount equal to the actual cost, as determined by the Secretary, of the annual operations and maintenance of the Center.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the Center.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the agreement authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(Added Pub. L. 108–375, div. B, title XXVIII, § 2822(a), Oct. 28, 2004, 118 Stat. 2130.)

PRIOR PROVISIONS

A prior section 4772, act Aug. 10, 1956, ch. 1041, 70A Stat. 268, had provided that, when ordered by the President, unappropriated public land could be reserved from entry for an air base, or a field for tests and experiments, for the Army, and that such land and other property of the United States could be designed and used for either of those purposes, prior to repeal by Pub. L. 97–295, § 1(43)(A), Oct. 12, 1982, 96 Stat. 1298.

[§ 4774. Repealed. Pub. L. 97–214, § 7(1), July 12, 1982, 96 Stat. 173]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 269; Aug. 30, 1957, Pub. L. 85–241, title IV, § 404(a), 71 Stat. 555; Aug. 10, 1959, Pub. L. 86–149, title IV, § 410(a), 73 Stat. 321; July 27, 1962, Pub. L. 87–554, title V, § 504(a), (c), 76 Stat. 239; Nov. 7, 1963, Pub. L. 88–174, title V, § 503, 77 Stat. 325; Dec. 5, 1969, Pub. L. 91–142, title V, § 510(b), 83 Stat. 312; Oct. 27, 1971, Pub. L. 92–145, title V, § 508(a), (c), 85 Stat. 408; Nov. 29, 1973, Pub. L. 93–166, title V, § 509(c), 87 Stat. 677, related to limitations on construction.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97–214, set out as an Effective Date note under section 2801 of this title.

[§ 4775. Repealed. Pub. L. 92–145, title V, § 509(a), Oct. 27, 1971, 85 Stat. 408]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 269, authorized assignment of quarters belonging to United States at a post or station by post quartermaster to officers, grade lieutenant general down to second lieutenant, 10 to 2 rooms, respectively, and prohibited other assignment where quarters existed.

§ 4776. Emergency construction: fortifications

If in an emergency the President considers it urgent, a temporary fort or fortification may be built on private land if the owner consents in writing.

(Aug. 10, 1956, ch. 1041, 70A Stat. 270; Pub. L. 91–393, § 5, Sept. 1, 1970, 84 Stat. 835.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4776	50:178.	Apr. 11, 1898, J. Res. 21, 30 Stat. 737.

The word ''important'' is omitted as covered by the word ''urgent''. The words ''upon which such work is to be placed'' are omitted as surplusage.

AMENDMENTS

1970—Pub. L. 91–393 struck out ''In such a case, section 175 of title 50 does not apply.''

§ 4777. Permits: military reservations; landing ferries, erecting bridges, driving livestock

Whenever the Secretary of the Army considers that it can be done without injury to the reservation or inconvenience to the military forces stationed there, he may permit—

(1) the landing of ferries at a military reservation;

(2) the erection of bridges on a military reservation; and

(3) the driving of livestock across a military reservation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 270; Pub. L. 96–513, title V, § 512(23), Dec. 12, 1980, 94 Stat. 2930.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4777	10:1348.	July 5, 1884, ch. 214, § 6, 23 Stat. 104.

The words ''may permit'' are substituted for the words ''shall have authority, in his discretion, to permit''. The words ''to permit the extension of State, county, and Territorial roads across military reservations'' are omitted as superseded by section 2668 of this title. In clause (3), the word ''livestock'' is substituted for the words ''cattle, sheep or other stock animals''.

AMENDMENTS

1980—Pub. L. 96–513 substituted ''reservations'' for ''reservation'' in section catchline.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

§ 4778. Licenses: military reservations; erection and use of buildings; Young Men's Christian Association

Under such conditions as he may prescribe, the Secretary of the Army may issue a revocable license to the International Committee of Young Men's Christian Associations of North America to erect and maintain on military reservations, inside the United States and the Commonwealths and possessions, buildings needed by that organization for the promotion of the social, physical, intellectual, and moral welfare of the members of the Army on those reservations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 270; Pub. L. 109–163, div. A, title X, § 1057(a)(5), (6), Jan. 6, 2006, 119 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4778	10:1346.	May 31, 1902, ch. 943, 32 Stat. 282.

The words ''may issue'' are substituted for the words ''Authority is given to in his discretion, to grant permission''. The words ''Under such conditions as he may prescribe'' are substituted for the words ''under such regulations as the Secretary of the Army may impose''. The words ''members of the Army'' are substituted for the word ''garrisons''. The words ''the Territories, Commonwealths, and possessions'' are substituted for the words ''or its island possessions'' for clarity.

AMENDMENTS

2006—Pub. L. 109–163, § 1057(a)(6), substituted ''Commonwealths and possessions'' for ''Territories, Commonwealths, and possessions''.

Pub. L. 109–163, § 1057(a)(5), which directed the substitution of ''Commonwealths or possessions'' for ''Territories, Commonwealths, or possessions'', could not be executed because ''Territories, Commonwealths, or possessions'' does not appear in text.

§ 4779. Use of public property

(a) When the economy of the Army so requires, the Secretary of the Army shall establish military headquarters in places where suitable buildings are owned by the United States.

(b) No money appropriated for the support of the Army may be spent for post gardens or Army exchanges. However, this does not prevent Army exchanges from using public buildings or public transportation that, in the opinion of the office or officer designated by the Secretary, are not needed for other purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 270; Pub. L. 99–661, div. B, title VII, § 2721, Nov. 14, 1986, 100 Stat. 4042.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4779(a)	10:1332.	June 23, 1879, ch. 35, § 8, 21 Stat. 35.
4779(b)	10:1345.	Aug. 1, 1914, ch. 223 (2d par. under ''Quartermaster Corps''), 38 Stat. 629.
4779(c)	10:1335.	July 16, 1892, ch. 195 (last proviso under ''Quartermaster's Department''), 27 Stat. 178; June 28, 1950, ch. 383, § 402(c), 64 Stat. 227.

In subsection (a), the words ''United States'' are substituted for the word ''Government''.

In subsection (b), the words ''suitable space'' are substituted for the words ''proper and suitable room or rooms''. The words ''there is a'' are substituted for the words ''have been established''.

AMENDMENTS

1986—Subsecs. (b), (c). Pub. L. 99–661 redesignated subsec. (c) as (b) and struck out former subsec. (b) which directed the Secretary to assign suitable space for postal purposes at each military post where there was a post office.

§ 4780. Acquisition of buildings in District of Columbia

(a) In time of war or when war is imminent, the Secretary of the Army may acquire by lease any building, or part of a building, in the Dis-

trict of Columbia that may be needed for military purposes.

(b) At any time, the Secretary may, for the purposes of the Department of the Army, requisition the use and take possession of any building or space in any building, and its appurtenances, in the District of Columbia, other than—

(1) a dwelling house occupied as such;

(2) a building occupied by any other agency of the United States; or

(3) space in such a dwelling house or building.

The Secretary shall determine, and pay out of funds appropriated for the payment of rent by the Department of the Army, just compensation for that use. If the amount of the compensation is not satisfactory to the person entitled to it, the Secretary shall pay 75 percent of it to that person, and the claimant is entitled to recover by action against the United States an additional amount that, when added to the amount paid by the Secretary, is determined by the court to be just compensation for that use.

(Added Pub. L. 85–861, § 1(105)(A), Sept. 2, 1958, 72 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4780(a)	40:37.	July 9, 1918, ch. 143 (3d proviso under ''Barracks and Quarters''), 40 Stat. 861.
4780(b)	40:41.	July 8, 1918, ch. 139 (2d par. under ''War Department''), 40 Stat. 826.

In subsection (a), the words ''may acquire by lease'' are substituted for the words ''is authorized, in his discretion, to rent or lease''. The word ''needed'' is substituted for the word ''required''.

In subsection (b), the words ''At any time'' are inserted for clarity. The word ''may'' is substituted for the words ''is authorized''. The word ''agency'' is substituted for the word ''branch''. Clause (3) is inserted for clarity. The word ''determine'' is substituted for the word ''ascertain''. The words ''out of funds appropriated for the payment of rent by'' are substituted for the words ''within the limits of the appropriations for rent made by any act making appropriations for''. The word ''is'' is substituted for the word ''be''. The words ''so ascertained'' and ''in the manner provided by sections 41(20) and 250 of Title 28'' are omitted as surplusage, since those sections were repealed in 1948 and replaced by sections 1346, 1491, 1496, 1501, 1503, 2401, 2402, and 2501 of that title.

CHAPTER 451—MILITARY CLAIMS

Sec.
4801. Definition.
4802. Admiralty claims against the United States.
4803. Admiralty claims by United States.
4804. Salvage claims by United States.
[4805. Repealed.]
4806. Settlement or compromise: final and conclusive.

AMENDMENTS

1972—Pub. L. 92–417, § 1(2), Aug. 29, 1972, 86 Stat. 654, substituted ''Admiralty claims against the United States'' for ''Damage by United States vessels; towage and salvage of United States vessels'' in item 4802.

1960—Pub. L. 86–533, § 1(8)(B), June 29, 1960, 74 Stat. 247, struck out item 4805 ''Reports to Congress''.

§ 4801. Definition

In this chapter, the term ''settle'' means consider, ascertain, adjust, determine, and dispose of a claim, whether by full or partial allowance or by disallowance.

(Aug. 10, 1956, ch. 1041, 70A Stat. 270; Pub. L. 100–180, div. A, title XII, § 1231(19)(B), Dec. 4, 1987, 101 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4801	[No source].	[No source].

The revised section is inserted for clarity, and is based on usage in the source laws for this revised chapter.

AMENDMENTS

1987—Pub. L. 100–180 inserted ''the term'' after ''In this chapter,''.

§ 4802. Admiralty claims against the United States

(a) The Secretary of the Army may settle or compromise an admiralty claim against the United States for—

(1) damage caused by a vessel of, or in the service of, the Department of the Army or by other property under the jurisdiction of the Department of the Army;

(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel of, or in the service of, the Department of the Army or to other property under the jurisdiction of the Department of the Army; or

(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Army or by property under the jurisdiction of the Department of the Army.

(b) If a claim under subsection (a) is settled or compromised for $500,000 or less, the Secretary of the Army may pay it. If it is settled or compromised for more than $500,000, he shall certify it to Congress.

(c) In any case where the amount to be paid is not more than $100,000, the Secretary of the Army may delegate his authority under subsection (a) to any person in the Department of the Army designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 271; Pub. L. 89–67, July 7, 1965, 79 Stat. 212; Pub. L. 92–417, § 1(1), Aug. 29, 1972, 86 Stat. 654; Pub. L. 101–189, div. A, title XVI, § 1633, Nov. 29, 1989, 103 Stat. 1608.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4802(a)	10:1861 (less 35 words before 1st proviso, and less last proviso).	Oct. 20, 1951, ch. 524, §§ 1 (less 35 words before 1st proviso), 6 (as applicable to § 1), 65 Stat. 572, 573.
4802(b)	10:1861 (last proviso).	
4802(c)	10:1866 (as applicable to 10:1861).	

In subsection (a), the words ''consider, ascertain, adjust, determine'' are omitted as covered by the word ''settle'', as defined in section 4801 of this title. 10:1861

(1st proviso) is omitted as unnecessary, since other applicable claims laws are restated in this title. 10:1861 (2d proviso) is omitted as surplusage.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101–189 substituted ''$100,000'' for ''$10,000''.

1972—Subsec. (a). Pub. L. 92–417 substituted ''Admiralty claims against the United States'' for ''Damage by United States vessels, towage and salvage of United States vessels'' in section catchline, in text preceding par. (1), struck out requirement that the Secretary of the Army discharge his functions under the direction of the Secretary of Defense, in par. (1) inserted ''or by other property under the jurisdiction of the Department of the Army,'' in par. (2) inserted ''or to other property under the jurisdiction of the Department of the Army; or,'' and added par. (3).

1965—Subsec. (c). Pub. L. 89–67 substituted ''$10,000'' for ''$1,000''.

§ 4803. Admiralty claims by United States

(a) Under the direction of the Secretary of Defense, the Secretary of the Army may settle, or compromise, and receive payment of a claim by the United States for damage to property under the jurisdiction of the Department of the Army or property for which the Department has assumed an obligation to respond for damage, if—

(1) the claim is—

(A) of a kind that is within the admiralty jurisdiction of a district court of the United States; or

(B) for damage caused by a vessel or floating object; and

(2) the amount to be received by the United States is not more than $500,000.

(b) In exchange for payment of an amount found to be due the United States under subsection (a), the Secretary of the Army may execute a release of the claim on behalf of the United States. Amounts received under this section shall be covered into the Treasury.

(c) In any case where the amount to be received by the United States is not more than $100,000, the Secretary of the Army may delegate his authority under subsections (a) and (b) to any person in the Department of the Army designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 271; Pub. L. 89–67, July 7, 1965, 79 Stat. 212; Pub. L. 101–189, div. A, title XVI, § 1633, Nov. 29, 1989, 103 Stat. 1608.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4803(a)	10:1862 (1st sentence; 2d sentence, less last 32 words; and provisos of last sentence).	Oct. 20, 1951, ch. 524, §§ 2 (less last 32 words of 2d sentence), 6 (less applicability to § 1), 65 Stat. 572, 573.
4803(b)	10:1862 (3d sentence; and last sentence, less provisos).	
4803(c)	10:1866 less applicability to 10:1861).	

In subsection (a), the words ''consider, ascertain, adjust, determine'' are omitted as covered by the word ''settle'', as defined in section 4801 of this title. The words ''receive payment'' are substituted for 10:1862 (2d sentence, less last 32 words). The words ''of a kind that is within the admiralty jurisdiction'' are substituted for the words ''cognizable in admiralty''. Clause (2) is substituted for 10:1862 (last proviso of last sentence). 10:1862 (1st proviso of last sentence) is omitted as unnecessary, since other applicable claims laws are restated in this title. The words ''by contract or otherwise'' are omitted as surplusage.

In subsection (b), the words ''of the United States as miscellaneous receipts'' and ''to deliver'' are omitted as surplusage.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101–189 substituted ''$100,000'' for ''$10,000''.

1965—Subsec. (c). Pub. L. 89–67 substituted ''$10,000'' for ''$1,000''.

§ 4804. Salvage claims by United States

(a) The Secretary of the Army may settle, or compromise, and receive payment of a claim by the United States for salvage services performed by the Department of the Army. Amounts received under this section shall be covered into the Treasury.

(b) In any case where the amount to be received by the United States is not more than $10,000, the Secretary of the Army may delegate his authority under subsection (a) to any person designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 271; Pub. L. 92–417, § 1(3), Aug. 29, 1972, 86 Stat. 654.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4804	10:1863.	Oct. 20, 1951, ch. 524, § 3, 65 Stat. 573.

The words ''under this section'' are substituted for the words ''for salvage services rendered''. The words ''consider, ascertain, adjust, determine'' are omitted as covered by the word ''settle'', as defined in section 4801 of this title. The words ''and receive payment of'' are inserted for clarity and to conform to section 4803 of this title. The words ''as miscellaneous receipts'' are omitted as surplusage.

AMENDMENTS

1972—Pub. L. 92–417 designated existing provisions as subsec. (a), struck out requirement that the Secretary of the Army discharge his functions under the direction of the Secretary of Defense, and added subsec. (b).

[§ 4805. Repealed. Pub. L. 86–533, § 1(8)(A), June 29, 1960, 74 Stat. 247]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 271, related to reports to Congress with respect to claims under sections 4802, 4803, and 4804 of this title.

§ 4806. Settlement or compromise: final and conclusive

Notwithstanding any other provision of law, upon acceptance of payment the settlement or compromise of a claim under section 4802 or 4803 of this title is final and conclusive.

(Aug. 10, 1956, ch. 1041, 70A Stat. 272.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4806	10:1861 (35 words before 1st proviso). 10:1862 (last 32 words of 2d sentence).	Oct. 20, 1951, ch. 524, §§ 1 (35 words before 1st proviso), 2 (last 32 words of 2d sentence), 65 Stat. 572, 573.

The words ''for all purposes'' and ''to the contrary'', in 10:1861 and 1862; ''by the claimant and not until

then'', in 10:1861; and ''but not until then'', in 10:1862; are omitted as surplusage.

CHAPTER 453—ACCOUNTABILITY AND RESPONSIBILITY

Sec.
4831. Custody of departmental records and property.
[4832 to 4836. Repealed.]
4837. Settlement of accounts: remission or cancellation of indebtedness of members.
4838. Settlement of accounts: affidavit of company commander.
4839. Settlement of accounts: oaths.
4840. Final settlement of officer's accounts.
4841. Payment of small amounts to public creditors.
4842. Settlement of accounts of line officers.

AMENDMENTS

2008—Pub. L. 110–181, div. A, title III, § 375(c)(2)(A), Jan. 28, 2008, 122 Stat. 84, struck out items 4832 ''Property accountability: regulations'' and 4836 ''Individual equipment: unauthorized disposition''.

2006—Pub. L. 109–163, div. A, title VI, § 683(a)(2), Jan. 6, 2006, 119 Stat. 3322, struck out ''enlisted'' before ''members'' in item 4837.

2002—Pub. L. 107–314, div. A, title X, § 1006(c)(2), Dec. 2, 2002, 116 Stat. 2633, struck out item 4835 ''Reports of survey''.

1982—Pub. L. 97–258, § 2(b)(10)(A), Sept. 13, 1982, 96 Stat. 1056, added items 4841 and 4842.

1980—Pub. L. 96–513, title V, § 512(24)(C), Dec. 12, 1980, 94 Stat. 2931, substituted ''remission or cancellation of indebtedness of enlisted members'' for ''deductions from pay'' in item 4837.

1972—Pub. L. 92–310, title II, § 204(b), June 6, 1972, 86 Stat. 202, struck out item 4834 ''Fidelity bonds: accountable officers; Quartermaster Corps''.

1962—Pub. L. 87–480, § 1(3), June 8, 1962, 76 Stat. 94, struck out item 4833 ''Accountability for public money: disbursing officers; agent officers''.

§ 4831. Custody of departmental records and property

The Secretary of the Army has custody and charge of all books, records, papers, furniture, fixtures, and other property under the lawful control of the executive part of the Department of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 272.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4831	5:191.	R.S. 217.

The words ''under the lawful control of the executive part of the Department of the Army'' are substituted for the words ''appertaining to the Department''.

[§ 4832. Repealed. Pub. L. 110–181, div. A, title III, § 375(c)(1)(A), Jan. 28, 2008, 122 Stat. 83]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 272, authorized Secretary of the Army to prescribe regulations for the accounting for Army property.

[§ 4833. Repealed. Pub. L. 87–480, § 1(2), June 8, 1962, 76 Stat. 94]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 272, related to accountability of Army officers for public money. See section 2773 of this title.

[§ 4834. Repealed. Pub. L. 92–310, title II, § 204(a), June 6, 1972, 86 Stat. 202]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 272; Nov. 2, 1966, Pub. L. 89–718, § 31, 80 Stat. 1119, required commissioned officers of the Quartermaster Corps to give fidelity bonds.

[§ 4835. Repealed. Pub. L. 107–314, div. A, title X, § 1006(c)(1), Dec. 2, 2002, 116 Stat. 2633]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 273; Pub. L. 103–160, div. A, title III, § 362, Nov. 30, 1993, 107 Stat. 1628, related to actions taken upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of or damage to property of the United States under the control of the Department of the Army.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of United States under control of Department of Defense occurring on or after effective date of regulations prescribed pursuant to section 2787 of this title, see section 1006(d) of Pub. L. 107–314, set out as an Effective Date note under section 2787 of this title.

[§ 4836. Repealed. Pub. L. 110–181, div. A, title III, § 375(c)(1)(B), Jan. 28, 2008, 122 Stat. 83]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 273, prohibited unauthorized disposition of individual equipment by enlisted members of the Army.

§ 4837. Settlement of accounts: remission or cancellation of indebtedness of members

(a) IN GENERAL.—The Secretary of the Army may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the Army, but only if the Secretary considers such action to be in the best interest of the United States.

(b) RETROACTIVE APPLICABILITY TO CERTAIN DEBTS.—The authority in subsection (a) may be exercised with respect to any debt covered by that subsection that is incurred on or after October 7, 2001.

(c) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 273; Pub. L. 85–861, § 33(a)(27), Sept. 2, 1958, 72 Stat. 1566; Pub. L. 87–649, § 14c(10), Sept. 7, 1962, 76 Stat. 501; Pub. L. 96–513, title V, § 512(24)(A), (B), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 109–163, div. A, title VI, § 683(a)(1), Jan. 6, 2006, 119 Stat. 3322; Pub. L. 109–364, div. A, title VI, § 673(a)(1), (2), (e)(1), Oct. 17, 2006, 120 Stat. 2271, 2272; Pub. L. 110–181, div. A, title X, § 1063(c)(7)(A), Jan. 28, 2008, 122 Stat. 323.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4837(a)	10:875. 10:875b.	R.S. 1300. R.S. 1301.
4837(b)	10:875a (less 3d and last provisos).	May 22, 1928, ch. 676, 45 Stat. 698; June 26, 1934, ch. 751, 48 Stat. 1222.
4837(c)	10:875a (last proviso).	
4837(d)	10:875a (3d proviso).	
4837(e)	10:871.	R.S. 1303.
4837(f)	10:872.	R.S. 1304.
4837(g)	10:875c.	R.S. 1299.

In subsection (a), the words ''sold to the member on credit under section 4621(a)(1) of this title'' are sub-

stituted for the words ''articles designated by the inspectors general of the Army, and sold to him on credit by officers of the Quartermaster Corps'', in 10:875. The words ''at cost prices'' are omitted to reflect section 4623 of this title.

In subsection (b), the last sentence is substituted for 10:875a (1st and 2d provisos). The words ''on current payrolls'' are omitted as surplusage.

In subsection (c), the words ''Subject to subsection (b)'' are substituted for the words ''in the proportions hereinbefore indicated''.

In subsection (d), the words ''If he considers it in the best interest of the United States'' are substituted for the words ''when in his opinion the interests of the Government are best served by such action''. The words ''before, or at the time of'' are substituted for the words ''either on or prior thereto''.

In subsection (e), the words ''member'' and ''his'' are substituted for the words ''officer or soldier''. The words ''or implement'' are omitted as surplusage.

In subsection (f), the words ''or if an article of military supply with whose issue a commissioned officer is charged is damaged'' are substituted for 10:872 (last sentence). The words ''that he was not at fault'' are substituted for the words ''that said deficiency [such damage] was not occasioned by any fault on his part''.

In subsection (g), the words ''bought on credit under section 4621(a)(1) of this title'' are substituted for the words ''designated by the officers of the Inspector-General's Department of the Army and purchased on credit from commissaries of subsistence''.

1958 ACT

The change [in subsec. (b)] reflects the opinion of the Judge Advocate General of the Air Force (June 10, 1957) that the term ''rate of pay'', as used in the source law for section 4837(b) (Act of May 22, 1928, ch. 676 (45 Stat. 698), as amended), included special pay and incentive pay.

The change [in subsec. (f)] reflects the opinion of the Assistant General Counsel (Fiscal Matters), Department of Defense (July 19, 1957), that section 1304, Revised Statutes (formerly 10 U.S.C. 872), the source law for this section, applied to warrant officers as well as to commissioned officers.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–181 made technical correction to directory language of Pub. L. 109–364, § 673(a)(1). See 2006 Amendment note below.

2006—Pub. L. 109–163 amended section catchline and text generally. Prior to amendment, text read as follows: ''If he considers it in the best interest of the United States, the Secretary may have remitted or cancelled any part of an enlisted member's indebtedness to the United States or any of its instrumentalities remaining unpaid before, or at the time of, that member's honorable discharge.''

Subsec. (a). Pub. L. 109–364, § 673(e)(1), substituted ''The Secretary of the Army'' for ''If the Secretary considers it to be in the best interest of the United States, the Secretary'' and inserted '', but only if the Secretary considers such action to be in the best interest of the United States'' before period at end.

Pub. L. 109–364, § 673(a)(1), as amended by Pub. L. 110–181, substituted ''of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the Army'' for ''of a member of the Army on active duty, or a member of a reserve component of the Army in an active status, to the United States or any instrumentality of the United States incurred while the member was serving on active duty''.

Subsecs. (b) to (d). Pub. L. 109–364, § 673(a)(2), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out heading and text of former subsec. (b). Text read as follows: ''The Secretary may exercise the authority in subsection (a) with respect to a member—

''(1) while the member is on active duty or in active status, as the case may be;

''(2) if discharged from the armed forces under honorable conditions, during the one-year period beginning on the date of such discharge; or

''(3) if released from active status in a reserve component, during the one-year period beginning on the date of such release.''

1980—Pub. L. 96–513, substituted ''remission or cancellation of indebtedness of enlisted members'' for ''deductions from pay'' in section catchline, and in text substituted ''If he'' for ''(d) If he''.

1962—Pub. L. 87–649 repealed subsecs. (a) to (c) and (e) to (g) which related to deductions from pay. See subsecs. (b) to (g), respectively, of section 1007 of Title 37, Pay and Allowances of the Uniformed Services.

1958—Subsec. (b). Pub. L. 85–861, § 33(a)(27)(A), substituted ''his pay for that month'' for ''his basic pay for that month''.

Subsec. (f). Pub. L. 85–861, § 33(a)(27)(B), substituted ''an officer'' for ''a commissioned officer'' in two places.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–181, div. A, title X, § 1063(c), Jan. 28, 2008, 122 Stat. 322, provided that the amendment made by section 1063(c)(7)(A) is effective as of Oct. 17, 2006, and as if included in the John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109–364, as enacted.

TERMINATION DATE OF 2006 AMENDMENT

Pub. L. 109–163, div. A, title VI, § 683(a)(3), Jan. 6, 2006, 119 Stat. 3322, which provided for termination of amendments by Pub. L. 109–163, § 683(a), amending this section and the analysis to this chapter, on Dec. 31, 2007, and restoration of provisions as in effect on the day before Jan. 6, 2006, was repealed by Pub. L. 109–364, div. A, title VI, § 673(a)(3), Oct. 17, 2006, 120 Stat. 2271.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–649 effective Nov. 1, 1962, see section 15 of Pub. L. 87–649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

REGULATIONS

Pub. L. 109–364, div. A, title VI, § 673(d), Oct. 17, 2006, 120 Stat. 2272, provided that: ''The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.''

§ 4838. Settlement of accounts: affidavit of company commander

In the settlement of the accounts of the commanding officer of a company for clothing and other military supplies, his affidavit may be received to show—

(1) that vouchers or company books were lost;

(2) anything tending to prove that any apparent deficiency of those articles was caused by unavoidable accident, or by loss in actual service without his fault; or

(3) that all or part of the clothing and supplies was properly used.

The affidavit may be used as evidence of the facts set forth, with or without other evidence, as determined by the Secretary of the Army to be just and proper under the circumstances.

(Aug. 10, 1956, ch. 1041, 70A Stat. 274.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4838	10:1302.	R.S. 225 (less 1st sentence); added Feb. 27, 1877, ch. 69 (3d par.), 19 Stat. 241.

The word ''anything'' is substituted for the words ''any matter or circumstance''. The words ''properly used'' are substituted for the words ''legally used and appropriated''. The words ''of the case'' are omitted as surplusage.

§ 4839. Settlement of accounts: oaths

The Secretary of the Army may detail any employee of the Department of the Army to administer oaths required by law in the settlement of an officer's accounts for clothing and other military supplies. An oath administered under this section shall be without expense to the person to whom it is administered.

(Aug. 10, 1956, ch. 1041, 70A Stat. 274.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4839	10:1303.	R.S. 225 (1st sentence).

The words ''and other military supplies'' are substituted for the words ''camp and garrison equipage, quartermaster's stores, and ordnance'' to conform to section 4838 of this title. The words ''person to whom administered'' are substituted for the words ''parties taking them''. The words ''for the purpose of'' are omitted as surplusage.

§ 4840. Final settlement of officer's accounts

Before final payment upon discharge may be made to an officer of the Army who has been accountable or responsible for public property, he must obtain a certificate of nonindebtedness to the United States from each officer to whom he was accountable or responsible for property. He must also make an affidavit, certified by his commanding officer to be correct, that he is not accountable or responsible for property to any other officer. An officer who has not been responsible for public property must make an affidavit of that fact, certified by his commanding officer. Compliance with this section warrants the final payment of the officer concerned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 274.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4840	10:878.	Jan. 12, 1899, ch. 46, § 2, 30 Stat. 784.

The words ''Before final payment upon discharge may be made'' are substituted for the words ''shall warrant their final payment''. The words ''at any time'' are omitted as surplusage. The word ''must'' is substituted for the words ''shall be required to''. The words ''He must also make'' are substituted for the words ''accompanied by''. The words ''from each officer to whom he was accountable or responsible for property'' are substituted for the words ''from only such of the bureaus of the Department of the Army to which the property for which they were accountable or responsible pertains'', since there is no longer a bureau structure within the Department of the Army. The words ''that he is not accountable or responsible for property to any other officer'' are substituted for the words ''accompanied by the affidavits of officers, of nonaccountability or nonresponsibility to other bureaus of the Department of the Army'', for the same reason. The reference to certificates from the General Accounting Office is omitted as obsolete. The last sentence is substituted for 10:878 (last 18 words). The last proviso of section 2 of the act of January 12, 1899, ch. 46, 30 Stat. 784, is not contained in 10:878. It is also omitted from the revised section, since it related to authority of mustering officers to administer oaths and the general authority to administer oaths is now contained in section 936 of this title (article 136 of the Uniform Code of Military Justice).

§ 4841. Payment of small amounts to public creditors

When authorized by the Secretary of the Army, a disbursing official of Army subsistence funds may keep a limited amount of those funds in the personal possession and at the risk of the disbursing official to pay small amounts to public creditors.

(Added Pub. L. 97–258, § 2(b)(10)(B), Sept. 13, 1982, 96 Stat. 1056.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4841	31:493.	Mar. 2, 1907, ch. 251 (proviso on p. 1166), 34 Stat. 1166.

The title of Secretary of War was changed to Secretary of the Army by section 205(a) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501), and by sections 1 and 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 157, 676). The word ''When'' is substituted for ''as shall from time to time be'' to eliminate unnecessary words. The words ''disbursing official'' are substituted for ''Officers intrusted with the disbursement'' for consistency.

§ 4842. Settlement of accounts of line officers

The Comptroller General shall settle the account of a line officer of the Army for pay due the officer even if the officer cannot account for property entrusted to the officer or cannot make a monthly report or return, when the Comptroller General is satisfied that the inability to account for property or make a report or return was the result of the officer having been a prisoner, or of an accident or casualty of war.

(Added Pub. L. 97–258, § 2(b)(10)(B), Sept. 13, 1982, 96 Stat. 1057.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
4842	31:44 (1st sentence).	June 10, 1921, ch. 18, § 304 (1st par. 1st sentence), 42 Stat. 24.
	31:95.	R.S. § 278.

The words ''Comptroller General'' are substituted for ''General Accounting Office'' for consistency. The words ''audit and'' are omitted as surplus. The words ''for their services as such'' and ''by the affidavit of the

officer or otherwise'' are omitted as surplus. The words ''to account for property or make a report or return'' are added for clarity. The words ''in the hands of the enemy'' are omitted as surplus.

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AMENDMENTS

2008—Pub. L. 110–417, [div. A], title X, § 1061(a)(6), Oct. 14, 2008, 122 Stat. 4612, added item for chapter 667 and struck out former item for chapter 667 ''Issue of serviceable material other than to Armed Forces''.

Pub. L. 110–181, div. A, title III, § 377(b), Jan. 28, 2008, 122 Stat. 85, added item for chapter 667.

2000—Pub. L. 106–398, § 1 [[div. A], title X, § 1085(b)(3)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A–289, struck out ''Related'' after ''Quarters, Utilities, and'' in item for chapter 649.

1998—Pub. L. 105–261, div. A, title V, § 521(b)(2), Oct. 17, 1998, 112 Stat. 2011, added item for chapter 602.

1996—Pub. L. 104–201, div. A, title II, § 282(a)(2), Sept. 23, 1996, 110 Stat. 2473, added item for chapter 665.

1994—Pub. L. 103–337, div. A, title XVI, § 1673(a)(1), Oct. 5, 1994, 108 Stat. 3015, struck out items for chapters 519 ''Naval Reserve and Marine Corps Reserve'', 531 ''Strength of Naval Reserve and Marine Corps Reserve'', 541 ''Running Mates for Reserve Officers'', and 549 ''Reserve Promotions''.

1993—Pub. L. 103–160, div. A, title VIII, § 828(b)(3), Nov. 30, 1993, 107 Stat. 1714, struck out item for chapter 635 ''Naval Aircraft''.

1991—Pub. L. 102–190, div. A, title X, § 1061(a)(27)(B), Dec. 5, 1991, 105 Stat. 1474, substituted ''Education'' for ''Educational'' in item for chapter 609.

1990—Pub. L. 101–510, div. A, title IX, § 912(b), Nov. 5, 1990, 104 Stat. 1627, added item for chapter 609.

1986—Pub. L. 99–433, title V, § 514(d)(1), Oct. 1, 1986, 100 Stat. 1055, substituted ''Office of the Chief of Naval Operations'' for ''Secretary, Under Secretary, and Assistant Secretaries of the Navy'' in item for chapter 505, added item for chapter 506, substituted ''Composition of the Department of the Navy'' for ''Office of the Comptroller of the Navy'' in item for chapter 507, struck out item for chapter 509 ''Office of the Chief of Naval Operations'', struck out ''; Office of Naval Research'' after ''General'' in item for chapter 513, and struck out item for chapter 515 ''Commandant of the Marine Corps; Headquarters, Marine Corps''.

1984—Pub. L. 98–525, title XIV, § 1405(48), title XV, § 1532(a)(2), Oct. 19, 1984, 98 Stat. 2625, 2631, substituted ''Responsibility'' for ''responsibility'' in item for chapter 661 and added item for chapter 663.

1982—Pub. L. 97–295, § 1(50)(G), Oct. 12, 1982, 96 Stat. 1300, substituted ''United States Naval Observatory'' for ''United States Naval Oceanographic Office and Naval Observatory'' in item for chapter 639.

Pub. L. 97–295, § 1(51)(A), Oct. 12, 1982, 96 Stat. 1300, which directed substitution of ''Responsibility'' for ''responsibility'' in item for chapter 659, was executed to item for chapter 661 as the probable intent of Congress.