

(3) completion of undergraduate training as a naval flight officer, in the case of training as a naval flight officer.

(Added Pub. L. 101-189, div. A, title VI, § 634(a)(1), Nov. 29, 1989, 103 Stat. 1454; amended Pub. L. 101-510, div. A, title XIV, § 1484(k)(3), Nov. 5, 1990, 104 Stat. 1719; Pub. L. 102-484, div. A, title V, § 506(a), Oct. 23, 1992, 106 Stat. 2404.)

AMENDMENTS

1992—Subsecs. (a), (b). Pub. L. 102-484, § 506(a)(1), substituted “service obligation” for “active duty obligation”.

Subsec. (c). Pub. L. 102-484, § 506(a)(2), substituted “the term ‘service obligation’ means the period of active duty or, in the case of a member of a reserve component who completed flight training in an active duty for training status as a member of a reserve component, the period of service in an active status in the Selected Reserve” for “the term ‘active duty obligation’ means the period of active duty”.

1990—Subsec. (a). Pub. L. 101-510, § 1484(k)(3)(A), substituted “or” for “and” before “6 years”.

Subsec. (c). Pub. L. 101-510, § 1484(k)(3)(B), inserted a comma after first reference to “training” in pars. (1) and (2) and after first reference to “naval flight officer” in par. (3).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 506(b) of Pub. L. 102-484 provided that: “The amendments made by subsection (a) [amending this section] shall take effect as of November 29, 1989.”

EFFECTIVE DATE

Section 634(b) of Pub. L. 101-189 provided that:

“(1) Except as provided in paragraphs (2) and (3), section 653 of title 10, United States Code, as added by subsection (a)(1), shall apply to persons who begin undergraduate pilot training, undergraduate navigator training, or undergraduate naval flight officer training, as the case may be, after September 30, 1990.

“(2) Such section shall apply to persons who graduate from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the Coast Guard Academy after December 31, 1991, and to persons who satisfactorily complete the academic and military requirements of the Senior Reserve Officers’ Training Corps program (provided for in chapter 103 of title 10, United States Code) after December 31, 1991.

“(3) The minimum service requirements provided for such section shall not apply in the case of any person who entered into an agreement with the Secretary concerned before October 1, 1990, and who is obligated under the terms of such agreement to serve on active duty for a period less than the applicable period specified in section 653 of such title.

“(4) For purposes of this subsection, the term ‘Secretary concerned’ has the meaning given that term in section 101(8) of title 10, United States Code.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

[§ 654. Repealed. Pub. L. 111-321, § 2(f)(1)(A), Dec. 22, 2010, 124 Stat. 3516]

Section, added Pub. L. 103-160, div. A, title V, § 571(a)(1), Nov. 30, 1993, 107 Stat. 1670, related to policy concerning homosexuality in the armed forces.

EFFECTIVE DATE OF REPEAL

Repeal effective on the date established by section 2(b) of Pub. L. 111-321, set out below.

DON’T ASK, DON’T TELL REPEAL

Pub. L. 111-321, Dec. 22, 2010, 124 Stat. 3515, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Don’t Ask, Don’t Tell Repeal Act of 2010’.

“SEC. 2. DEPARTMENT OF DEFENSE POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

“(a) COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF A REPEAL OF 10 U.S.C. 654.—

“(1) IN GENERAL.—On March 2, 2010, the Secretary of Defense issued a memorandum directing the Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. 654 (section 654 of title 10, United States Code).

“(2) OBJECTIVES AND SCOPE OF REVIEW.—The Terms of Reference accompanying the Secretary’s memorandum established the following objectives and scope of the ordered review:

“(A) Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.

“(B) Determine leadership, guidance, and training on standards of conduct and new policies.

“(C) Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.

“(D) Recommend appropriate changes (if any) to the Uniform Code of Military Justice [10 U.S.C. 801 et seq.].

“(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. 654 and proposals that may be introduced in the Congress during the period of the review.

“(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

“(G) Evaluate the issues raised in ongoing litigation involving 10 U.S.C. 654.

“(b) EFFECTIVE DATE.—The amendments made by subsection (f) shall take effect 60 days after the date on which the last of the following occurs:

“(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

“(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, stating each of the following:

“(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report’s proposed plan of action.

“(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

“(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

“(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

“(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of ‘marriage’ and ‘spouse’ and referred to as the ‘Defense of Marriage Act’).

“(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

“(f) TREATMENT OF 1993 POLICY.—

“(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

“(A) by striking section 654; and

“(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

“(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 [Pub. L. 103-160] (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).”

[The report referred to in section 2(b)(1) of Pub. L. 111-321, set out above, was released Nov. 30, 2010. The certification referred to in section 2(b)(2) of Pub. L. 111-321 was transmitted July 22, 2011.]

IMPLEMENTATION OF SECTION; REGULATIONS; SAVINGS PROVISION; SENSE OF CONGRESS

Pub. L. 103-160, div. A, title V, § 571(b)-(d), Nov. 30, 1993, 107 Stat. 1671, 1672, which required the Secretary of Defense to issue regulations to implement this section, provided a savings provision for actions and proceedings commenced prior to the effective date of such regulations, and provided the sense of Congress regarding the policy set forth in this section, was repealed by Pub. L. 111-321, § 2(f)(2), Dec. 22, 2010, 124 Stat. 3516, effective on the date established by section 2(b) of Pub. L. 111-321, set out above.

§ 655. Designation of persons having interest in status of a missing member

(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person’s primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.

(Added Pub. L. 104-106, div. A, title V, § 569(d)(1), Feb. 10, 1996, 110 Stat. 352.)

CHAPTER 38—JOINT OFFICER MANAGEMENT

Sec.	
661.	Management policies for joint qualified officers.
662.	Promotion policy objectives for joint officers.
663.	Joint duty assignments after completion of joint professional military education.
664.	Length of joint duty assignments.
665.	Procedures for monitoring careers of joint qualified officers.
666.	Reserve officers not on the active-duty list.

Sec.	
667.	Annual report to Congress.
668.	Definitions.

AMENDMENTS

2008—Pub. L. 110-417, [div. A], title V, § 522(a)(3), (c)(3), Oct. 14, 2008, 122 Stat. 4445, added items 661 and 665 and struck out former items 661 “Management policies for officers who are joint qualified” and 665 “Procedures for monitoring careers of joint officers”.

2006—Pub. L. 109-364, div. A, title V, § 516(e)(2), Oct. 17, 2006, 120 Stat. 2189, substituted “officers who are joint qualified” for “joint specialty officers” in item 661.

2004—Pub. L. 108-375, div. A, title V, § 532(c)(2)(B), Oct. 28, 2004, 118 Stat. 1900, substituted “Joint duty assignments after completion of joint professional military education” for “Education” in item 663.

§ 661. Management policies for joint qualified officers

(a) ESTABLISHMENT.—The Secretary of Defense shall establish policies, procedures, and practices for the effective management of officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who are particularly trained in, and oriented toward, joint matters (as defined in section 668 of this title). Such officers shall be identified or designated (in addition to their principal military occupational specialty) as a joint qualified officer or in such other manner as the Secretary of Defense directs.

(b) LEVELS, DESIGNATION, AND NUMBERS.—(1)(A) The Secretary of Defense shall establish different levels of joint qualification, as well as the criteria for qualification at each level. Such levels of joint qualification shall be established by the Secretary with the advice of the Chairman of the Joint Chiefs of Staff. Each level shall, as a minimum, have both joint education criteria and joint experience criteria. The purpose of establishing such qualification levels is to ensure a systematic, progressive, career-long development of officers in joint matters and to ensure that officers serving as general and flag officers have the requisite experience and education to be highly proficient in joint matters.

(B) The number of officers who are joint qualified shall be determined by the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff. Such number shall be large enough to meet the requirements of subsection (d).

(2) Certain officers shall be designated as joint qualified by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff.

(3) An officer may be designated as joint qualified under paragraph (2) only if the officer—

(A) meets the education and experience criteria of subsection (c);

(B) meets such additional criteria as prescribed by the Secretary of Defense; and

(C) holds the grade of captain or, in the case of the Navy, lieutenant or a higher grade.

(4) The authority of the Secretary of Defense under paragraph (2) to designate officers as joint qualified may be delegated only to the Deputy Secretary of Defense or an Under Secretary of Defense.

(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer may not be designated as joint qualified until the officer—