

[§ 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 Repealed.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[CHAPTER 351—REPEALED]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 Repealed.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 Repealed.]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 Repealed.]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 Repealed.]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.