

1987—Pub. L. 100-180 substituted “Mandatory testing for drug, chemical, and alcohol abuse” for “Denial of entrance into the armed forces of persons dependent on drugs or alcohol” in section catchline, and amended text generally, revising and restating as subsecs. (a) to (d) provisions formerly contained in subsecs. (a) and (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title V, § 513(d), Nov. 29, 1989, 103 Stat. 1441, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall take effect as of October 1, 1989.”

REGULATIONS; IMPLEMENTATION OF PROGRAM

Pub. L. 100-456, div. A, title V, § 521(b), (c), Sept. 29, 1988, 102 Stat. 1973, provided that:

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the implementation of section 978 of title 10, United States Code, as amended by subsection (a), not later than 60 days after the date of the enactment of this Act [Sept. 29, 1988].

“(c) EFFECTIVE DATE.—The testing and evaluation program prescribed by that section shall be implemented not later than October 1, 1989.”

IMPLEMENTATION

Pub. L. 100-180, div. A, title V, § 513(b), Dec. 4, 1987, 101 Stat. 1091, as amended by Pub. L. 100-456, div. A, title V, § 521(d), Sept. 29, 1988, 102 Stat. 1973, provided that:

“(1) The Secretary of Defense shall prescribe regulations for the implementation of section 978 of title 10, United States Code, as amended by subsection (a), not later than 45 days after the date of the enactment of this Act [Dec. 4, 1987].

“(2) [Repealed. Pub. L. 100-456, div. A, title V, § 521(d), Sept. 29, 1988, 102 Stat. 1973].”

§ 979. Prohibition on loan and grant assistance to persons convicted of certain crimes

Funds appropriated to the Department of Defense may not be used to provide a loan, a guarantee of a loan, or a grant to any person who has been convicted by a court of general jurisdiction of any crime which involves the use of (or assisting others in the use of) force, trespass, or the seizure of property under the control of an institution of higher education to prevent officials or students of the institution from engaging in their duties or pursuing their studies.

(Added Pub. L. 98-525, title XIV, § 1401(c)(1), Oct. 19, 1984, 98 Stat. 2615.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8027], Oct. 12, 1984, 98 Stat. 1904, 1928.

Pub. L. 98-212, title VII, § 732, Dec. 8, 1983, 97 Stat. 1444.

Pub. L. 97-377, title I, § 101(c) [title VII, § 735], Dec. 21, 1982, 96 Stat. 1833, 1856.

Pub. L. 97-114, title VII, § 736, Dec. 29, 1981, 95 Stat. 1585.

Pub. L. 96-527, title VII, § 737, Dec. 15, 1980, 94 Stat. 3087.

Pub. L. 96-154, title VII, § 739, Dec. 21, 1979, 93 Stat. 1159.

Pub. L. 95-457, title VIII, § 839, Oct. 13, 1978, 92 Stat. 1250.

Pub. L. 95-111, title VIII, § 838, Sept. 21, 1977, 91 Stat. 906.

Pub. L. 94-419, title VII, § 737, Sept. 22, 1976, 90 Stat. 1297.

Pub. L. 94-212, title VII, § 737, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93-437, title VIII, § 838, Oct. 8, 1974, 88 Stat. 1231.

Pub. L. 93-238, title VII, § 740, Jan. 2, 1974, 87 Stat. 1045.

Pub. L. 92-570, title VII, § 740, Oct. 26, 1972, 86 Stat. 1203.

Pub. L. 92-204, title VII, § 741, Dec. 18, 1971, 85 Stat. 734.

Pub. L. 91-668, title VIII, § 841, Jan. 11, 1971, 84 Stat. 2037.

Pub. L. 91-171, title VI, § 641, Dec. 29, 1969, 83 Stat. 486.

Pub. L. 90-580, title V, § 540, Oct. 17, 1968, 82 Stat. 1136.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

§ 980. Limitation on use of humans as experimental subjects

(a) Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless—

(1) the informed consent of the subject is obtained in advance; or

(2) in the case of research intended to be beneficial to the subject, the informed consent of the subject or a legal representative of the subject is obtained in advance.

(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project may directly benefit the subject and is carried out in accordance with all other applicable laws.

(Added Pub. L. 98-525, title XIV, § 1401(c)(1), Oct. 19, 1984, 98 Stat. 2615; amended Pub. L. 107-107, div. A, title VII, § 733, Dec. 28, 2001, 115 Stat. 1170.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8029], Oct. 12, 1984, 98 Stat. 1904, 1929.

Pub. L. 98-212, title VII, § 734, Dec. 8, 1983, 97 Stat. 1444.

Pub. L. 97-377, title I, § 101(c) [title VII, § 737], Dec. 21, 1982, 96 Stat. 1833, 1857.

Pub. L. 97-114, title VII, § 738, Dec. 29, 1981, 95 Stat. 1585.

Pub. L. 96-527, title VII, § 739, Dec. 15, 1980, 94 Stat. 3088.

Pub. L. 96-154, title VII, § 741, Dec. 21, 1979, 93 Stat. 1159.

Pub. L. 95-457, title VIII, § 841, Oct. 13, 1978, 92 Stat. 1251.

Pub. L. 95-111, title VIII, § 840, Sept. 21, 1977, 91 Stat. 906.

Pub. L. 94-419, title VII, § 739, Sept. 22, 1976, 90 Stat. 1297.

Pub. L. 94-212, title VII, § 740, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93-437, title VIII, § 841, Oct. 8, 1974, 88 Stat. 1231.

Pub. L. 93-238, title VII, § 743, Jan. 2, 1974, 87 Stat. 1045.

Pub. L. 92-570, title VII, § 745, Oct. 26, 1972, 86 Stat. 1203.

AMENDMENTS

2001—Pub. L. 107-107 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

§ 981. Limitation on number of enlisted aides

(a) Subject to subsection (b), the total number of enlisted members that may be assigned or otherwise detailed to duty as enlisted aides on the personal staffs of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard (when operating as a service of the Navy) during a fiscal year is the number equal to the sum of (1) four times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of general or admiral, and (2) two times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of lieutenant general or vice admiral.

(b) Not more than 300 enlisted members may be assigned to duty at any time as enlisted aides for officers of the Army, Navy, Air Force, and Marine Corps.

(Added Pub. L. 98-525, title XIV, §1401(c)(1), Oct. 19, 1984, 98 Stat. 2615.)

PRIOR PROVISIONS

Provisions similar to those in subsec. (a) of this section were contained in Pub. L. 94-106, title VIII, §820(a), Oct. 7, 1975, 89 Stat. 544, prior to repeal by Pub. L. 98-525, §§1403(c), 1404, eff. Oct. 1, 1985.

Provisions similar to those in subsec. (b) of this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, §101(h)[title VIII, §8034], Oct. 12, 1984, 98 Stat. 1904, 1930.

Pub. L. 98-212, title VII, §742, Dec. 8, 1983, 97 Stat. 1446.

Pub. L. 97-377, title I, §101(c)[title VII, §745], Dec. 21, 1982, 96 Stat. 1833, 1858.

Pub. L. 97-114, title VII, §746, Dec. 29, 1981, 95 Stat. 1586.

Pub. L. 96-527, title VII, §747, Dec. 15, 1980, 94 Stat. 3089.

Pub. L. 96-154, title VII, §748, Dec. 21, 1979, 93 Stat. 1160.

Pub. L. 95-457, title VIII, §848, Oct. 13, 1978, 92 Stat. 1252.

Pub. L. 95-111, title VIII, §849, Sept. 21, 1977, 91 Stat. 908.

Pub. L. 94-419, title VII, §748, Sept. 22, 1976, 90 Stat. 1299.

Pub. L. 94-212, title VII, §745, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93-437, title VIII, §848, Oct. 8, 1974, 88 Stat. 1232.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

TRANSFER OF FUNCTIONS

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.

§ 982. Members: service on State and local juries

(a) A member of the armed forces on active duty may not be required to serve on a State or local jury if the Secretary concerned determines that such service—

(1) would unreasonably interfere with the performance of the member's military duties; or

(2) would adversely affect the readiness of the unit, command, or activity to which the member is assigned.

(b) A determination by the Secretary concerned under this section is conclusive.

(c) The Secretary concerned shall prescribe regulations for the administration of this section.

(d) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory of the United States.

(Added Pub. L. 99-661, div. A, title V, §502(a), Nov. 14, 1986, 100 Stat. 3863.)

§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies

(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654¹ of this title and other applicable Federal laws) at that institution (or any subelement of that institution); or

(2) a student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality

¹ See References in Text note below.