

from the Department of Commerce. Notwithstanding any other provision of law, a member so assigned or detailed may exercise the functions, and assume the title, of any position in that Administration without affecting his status as a member of an armed force, but he is not entitled to the compensation fixed for that position.

(Added Pub. L. 89-683, §1(1), Oct. 15, 1966, 80 Stat. 960; amended Pub. L. 96-513, title I, §511(23)(A), (B), Dec. 12, 1980, 94 Stat. 2921.)

AMENDMENTS

1980—Pub. L. 96-513 substituted “of members of the armed forces to National Oceanic and Atmospheric” for “to Environmental Science Services” in section catchline, and substituted “National Oceanic and Atmospheric” for “Environmental Science Services” in text.

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.

§ 720. Chief of Staff to President: appointment

The President, by and with the advice and consent of the Senate, may appoint a general officer of the Army, Air Force, or Marine Corps or a flag officer of the Navy as the Chief of Staff to the President and may designate such position as a position of importance and responsibility under section 601 of this title.

(Added Pub. L. 96-513, title V, §501(9)(A), Dec. 12, 1980, 94 Stat. 2907.)

EFFECTIVE DATE

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

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

[§ 721. Repealed. Pub. L. 111-84, div. A, title V, § 502(i)(1), Oct. 28, 2009, 123 Stat. 2276]

Section, added Pub. L. 105-85, div. A, title V, §501(a), Nov. 18, 1997, 111 Stat. 1723; amended Pub. L. 107-314, div. A, title X, §1041(a)(4), Dec. 2, 2002, 116 Stat. 2645, related to limitation on appointments, assignments, details, and duties outside a general or flag officer’s own service.

§ 722. Attending Physician to the Congress: grade

A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral.

(Added Pub. L. 109-364, div. A, title V, §507(a)(1)(A), Oct. 17, 2006, 120 Stat. 2180.)

CHAPTER 43—RANK AND COMMAND

Sec. 741. Rank: commissioned officers of the armed forces.

Sec. 742. Rank: warrant officers.  
743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps.  
744. Physician to White House: assignment; grade.  
[745. Repealed.]  
747. Command: when different commands of Army, Navy, Air Force, Marine Corps, and Coast Guard join.  
749. Command: commissioned officers in same grade or corresponding grades on duty at same place.  
750. Command: retired officers.

AMENDMENTS

1991—Pub. L. 102-190, div. A, title XI, §1114(c), Dec. 5, 1991, 105 Stat. 1502, added item 742 and struck out item 745 “Warrant officers: rank”.

1987—Pub. L. 100-180, div. A, title XIII, §1314(b)(5)(B), Dec. 4, 1987, 101 Stat. 1175, inserted “; Commandant of the Marine Corps” after “Air Force” in item 743.

1980—Pub. L. 96-513, title V, §501(10)(A), Dec. 12, 1980, 94 Stat. 2908, as amended Pub. L. 97-22, §10(a)(1), July 10, 1981, 95 Stat. 136, substituted “armed forces” for “Army, Navy, Air Force, and Marine Corps” in item 741.

Pub. L. 96-513, title V, §501(10)(B), Dec. 12, 1980, 94 Stat. 2908, added item 750.

1968—Pub. L. 90-235, §5(a)(1)(B), Jan. 2, 1968, 81 Stat. 761, added items 747 and 749.

1958—Pub. L. 85-861, §1(19), Sept. 2, 1958, 72 Stat. 1442, struck out item 742 “Rank: officers of regular and reserve components”.

§ 741. Rank: commissioned officers of the armed forces

(a) Among the grades listed below, the grades of general and admiral are equivalent and are senior to other grades and the grades of second lieutenant and ensign are equivalent and are junior to other grades. Intermediate grades rank in the order listed as follows:

Table with 2 columns: Army, Air Force, and Marine Corps; Navy and Coast Guard. Lists ranks from General to Second lieutenant with their equivalents in the Navy and Coast Guard.

(b) Rank among officers of the same grade or of equivalent grades is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer.

(c) Rank among officers of the Army, Navy, Air Force, and Marine Corps of the same grade or of equivalent grades who have the same date of rank is determined by regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

(d)(1) The date of rank of an officer of the Army, Navy, Air Force, or Marine Corps who holds a grade as the result of an original appointment shall be determined by the Secretary of the military department concerned at the time of such appointment. The date of rank of

an officer of the Army, Navy, Air Force, or Marine Corps who holds a grade as the result of an original appointment and who at the time of such appointment was awarded service credit for prior commissioned service or constructive credit for advanced education or training, or special experience shall be determined so as to reflect such prior commissioned service or constructive service. Determinations by the Secretary concerned under this paragraph shall be made under regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

(2) Except as otherwise provided by law, the date of rank of an officer who holds a grade as the result of a promotion is the date of his appointment to that grade.

(3) Under regulations prescribed by the Secretary of Defense, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, the date of rank of a reserve commissioned officer (other than a warrant officer) of the Army, Navy, Air Force, or Marine Corps who is to be placed on the active-duty list and who has not been on continuous active duty since his original appointment as a reserve commissioned officer in a grade above chief warrant officer, W-5, or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list may, effective on the date on which he is placed on the active-duty list or reserve active-status list, be changed by the Secretary concerned to a later date to reflect such officer's qualifications and experience. The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.

(4)(A) The Secretary concerned may adjust the date of rank of an officer appointed under section 624(a) of this title to a higher grade that is not a general officer or flag officer grade if the appointment of that officer to that grade is delayed from the date on which (as determined by the Secretary) it would otherwise have been made by reason of unusual circumstances (as determined by the Secretary) that cause an unintended delay in—

- (i) the processing or approval of the report of the selection board recommending the appointment of that officer to that grade; or
- (ii) the processing or approval of the promotion list established on the basis of that report.

(B) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be consistent—

- (i) with the officer's position on the promotion list for that grade and competitive category when additional officers in that grade and competitive category were needed; and
- (ii) with compliance with the applicable authorized strengths for officers in that grade and competitive category.

(C) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for—

- (i) the officer's pay and allowances for that grade; and
- (ii) the officer's position on the active-duty list.

(D) When under subparagraph (A) the Secretary concerned adjusts the date of rank of an officer in a grade to which the officer was appointed by and with the advice and consent of the Senate and the adjustment is to a date before the date of the advice and consent of the Senate to that appointment, the Secretary shall promptly transmit to the Committee on Armed Services of the Senate a notification of that adjustment. Any such notification shall include the name of the officer and a discussion of the reasons for the adjustment of date of rank.

(E) Any adjustment in date of rank under this paragraph shall be made under regulations prescribed by the Secretary of Defense, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 33; Pub. L. 96-513, title I, §107, Dec. 12, 1980, 94 Stat. 2869; Pub. L. 97-22, §4(h), July 10, 1981, 95 Stat. 127; Pub. L. 97-86, title IV, §405(b)(8), Dec. 1, 1981, 95 Stat. 1106; Pub. L. 97-295, §1(11), Oct. 12, 1982, 96 Stat. 1289; Pub. L. 98-557, §25(c), Oct. 30, 1984, 98 Stat. 2873; Pub. L. 99-145, title V, §514(b)(8), Nov. 8, 1985, 99 Stat. 629; Pub. L. 102-190, div. A, title XI, §1131(1)(A), Dec. 5, 1991, 105 Stat. 1505; Pub. L. 103-337, div. A, title XVI, §1626, Oct. 5, 1994, 108 Stat. 2962; Pub. L. 104-106, div. A, title XV, §1501(a)(3), Feb. 10, 1996, 110 Stat. 495; Pub. L. 107-107, div. A, title V, §506(a), Dec. 28, 2001, 115 Stat. 1089.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
741(a) .....	10:517 (1st and 2d sentences, less applicability to rank within grade). 14:43. 34:651 (less applicability to establishment of commissioned grades, and less applicability to rank within grade). 34:241. 34:241a (1st and 2d sentences, less applicability to rank within grade).	Aug. 7, 1947, ch. 512, §§314(j), 516, 61 Stat. 865, 908. R.S. 1603 (less applicability to establishment of commissioned grades). R.S. 1466. Aug. 4, 1949, ch. 393, §1(43), 63 Stat. 498.
741(b) .....	10:517 (1st and 2d sentences, as applicable to rank within grade). 34:241a (1st and 2d sentences, as applicable to rank within grade). 34:626-1(j). 34:651 (less applicability to establishment of commissioned grades, and as applicable to rank within grade).	
741(c) .....	10:517 (less 1st and 2d sentences). 34:241a (less 1st and 2d sentences).	

In subsection (a), the word "Regular", pertaining to major generals and brigadier generals, in 10:517 and 34:241a, is omitted, since the last sentence of 10:517 and 34:241a establish the rank of nonregular officers of the Army and the Air Force, with respect to officers of the Regular Army and the Regular Air Force. The effect of establishing their rank with respect to regular officers,

when read in connection with the provisions prescribing the rank of officers of the regular components with officers of the other services, under 10:517 (less last sentence), 34:241a (less last sentence), and 34:241, is therefore to establish the rank of nonregular officers with respect to officers of the other listed services. This allows a consolidation of 10:517 (less last sentence, as applicable to rank), 34:241, and 34:241a (less last sentence, as applicable to rank), together with 34:651, into a table of rank among officers of the Army, Navy, Air Force, and Marine Corps. The words “lineal rank only being considered”, in 34:241, are covered by setting forth the grades in tabular form. The words “whether on the active or retired list”, in 34:241, are omitted, since retired officers of the Navy continue to be officers of the Navy. The words “Lieutenant (junior grade)” are substituted for the word “masters”, in R.S. 1466, to reflect the change made in the name of that grade by the Act of March 3, 1883, ch. 97 (2d par.), 22 Stat. 472.

In subsections (a) and (b), the words “entitled to pay” and “entitled to the pay”, respectively, are inserted, since rear admiral is one grade with two ranks depending on the amount of pay to which the incumbent is entitled.

In subsection (b), the words “in such grades”, in 10:517 and 34:241a, are omitted as surplusage.

In subsection (c), the words “A commissioned officer of the Army or the Air Force” are substituted for the words “All officers of the Army of the United States, including all components thereof”, since rank among officers of the Regular Army and Regular Air Force is determined under sections 3573, 3574, 8573, and 8574 of this title.

#### AMENDMENTS

2001—Subsec. (d)(4). Pub. L. 107-107 added par. (4).

1996—Subsec. (d)(3). Pub. L. 104-106 made technical correction to directory language of Pub. L. 103-337, § 1626(1). See 1994 Amendment note below.

1994—Subsec. (d)(3). Pub. L. 103-337, § 1626(3), inserted at end “The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer’s last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.”

Pub. L. 103-337, § 1626(2), inserted “or reserve active-status list” after “he is placed on the active-duty list”.

Pub. L. 103-337, § 1626(1), as amended by Pub. L. 104-106, inserted “or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list may, effective on the date on which he is placed on the active-duty list” after “warrant officer, W-5.”

1991—Subsec. (d)(3). Pub. L. 102-190 substituted “chief warrant officer, W-5,” for “warrant officer (W-4)”.

1985—Subsec. (a). Pub. L. 99-145 substituted “Rear admiral (lower half)” for “Commodore” in table.

1984—Subsec. (a). Pub. L. 98-557 struck out “(Navy) and Rear admiral (upper half) (Coast Guard)” after “Rear admiral” and “(Navy) and Rear admiral (lower half) (Coast Guard)” after “Commodore” in table.

1982—Subsec. (c). Pub. L. 97-295 substituted “the” for “the the” after “uniformly among”.

1981—Pub. L. 97-22, § 4(h)(4), substituted “armed forces” for “Army, Navy, Air Force, and Marine Corps” in section catchline.

Subsec. (a). Pub. L. 97-86 substituted “Commodore” for “Commodore admiral” in right column of table opposite Brigadier general.

Pub. L. 97-22, § 4(h)(1), inserted reference to the Coast Guard in column heading and inserted references to Rear admiral (upper half) (Coast Guard) and Rear admiral (lower half) (Coast Guard).

Subsec. (c). Pub. L. 97-22, § 4(h)(2), inserted “of the Army, Navy, Air Force, and Marine Corps” after “Rank among officers”.

Subsec. (d)(1). Pub. L. 97-22, § 4(h)(3)(A), inserted “of the Army, Navy, Air Force, or Marine Corps” after “officer” in two places.

Subsec. (d)(3). Pub. L. 97-22, § 4(h)(3)(B), inserted “of the Army, Navy, Air Force, or Marine Corps” after “(other than a warrant officer)”.

1980—Pub. L. 96-513 completely revised section to restructure and redefine various ranks of commissioned officers of the Army, Air Force, Marine Corps, and Navy and relationships of officers in those ranks among themselves.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, § 506(c), Dec. 28, 2001, 115 Stat. 1090, provided that:

“(1) Paragraph (4) of section 741(d) of title 10, United States Code, as added by subsection (a), and paragraph (2) of section 14308(c) of such title, as added by subsection (b), shall apply with respect to any report of a selection board recommending officers for promotion to the next higher grade that is submitted to the Secretary of the military department concerned on or after the date of the enactment of this Act [Dec. 28, 2001].

“(2) The Secretary of the military department concerned may apply the applicable paragraph referred to in paragraph (1) in the case of an appointment of an officer to a higher grade resulting from a report of a selection board submitted to the Secretary before the date of the enactment of this Act if the Secretary determines that such appointment would have been made on an earlier date that is on or after October 1, 2001, and was delayed under the circumstances specified in paragraph (4) of section 741(d) of title 10, United States Code, as added by subsection (a).”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 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.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

#### 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.

#### 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.

#### § 742. Rank: warrant officers

(a) Among warrant officer grades, warrant officer grades of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.