

- Sec.
972. Members: effect of time lost.
973. Duties: officers on active duty; performance of civil functions restricted.
974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.
[975. Renumbered.]
976. Membership in military unions, organizing of military unions, and recognition of military unions prohibited.
[977. Repealed.]
978. Drug and alcohol abuse and dependency: testing of new entrants.
979. Prohibition on loan and grant assistance to persons convicted of certain crimes.
980. Limitation on use of humans as experimental subjects.
981. Limitation on number of enlisted aides.
982. Members: service on State and local juries.
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.
985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits.
[986. Repealed.]
987. Terms of consumer credit extended to members and dependents: limitations.

AMENDMENTS

2009—Pub. L. 111-84, div. A, title V, § 591(b), Oct. 28, 2009, 123 Stat. 2337, substituted “Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians” for “Uniform performance policies for military bands and other musical units” in item 974.

2008—Pub. L. 110-181, div. A, title V, § 590(a)(2), title X, § 1072(b)(2), Jan. 28, 2008, 122 Stat. 138, 330, added item 974 and struck out item 986 “Security clearances: limitations”.

Pub. L. 110-181, div. A, title X, § 1063(c)(6), Jan. 28, 2008, 122 Stat. 323, amended directory language of Pub. L. 109-364, § 670(b). See 2006 Amendment note below.

2006—Pub. L. 109-364, div. A, title VI, § 670(b), Oct. 17, 2006, 120 Stat. 2269, as amended by Pub. L. 110-181, div. A, title X, § 1063(c)(6), Jan. 28, 2008, 122 Stat. 323, added item 987.

Pub. L. 109-163, div. A, title VI, § 662(c)(2), Jan. 6, 2006, 119 Stat. 3315, substituted “Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits” for “Persons convicted of capital crimes: denial of certain burial-related benefits” in item 985.

2004—Pub. L. 108-375, div. A, title VI, § 651(f)(1), Oct. 28, 2004, 118 Stat. 1972, struck out item 977 “Operation of commissary stores: assignment of active duty members generally prohibited”.

2001—Pub. L. 107-107, div. A, title X, § 1048(g)(2), Dec. 28, 2001, 115 Stat. 1228, amended directory language of Pub. L. 106-65. See 1999 Amendment note below.

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1071(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-276, added item 986.

1999—Pub. L. 106-65, div. A, title V, § 549(a)(2), Oct. 5, 1999, 113 Stat. 611, as amended by Pub. L. 107-107, div. A, title X, § 1048(g)(2), Dec. 28, 2001, 115 Stat. 1228, substituted “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” for “Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts” in item 983.

1998—Pub. L. 105-261, div. A, title V, § 569(b), Oct. 17, 1998, 112 Stat. 2032, struck out item 974 “Civilian employment: enlisted members”.

1997—Pub. L. 105-85, div. A, title X, § 1077(a)(2), Nov. 18, 1997, 111 Stat. 1915, added item 985.

1996—Pub. L. 104-201, div. A, title V, § 581(c)(3), Sept. 23, 1996, 110 Stat. 2538, struck out “enlisted” after “count” in item 971.

Pub. L. 104-106, div. A, title V, §§ 541(b), 561(c)(2), Feb. 10, 1996, 110 Stat. 316, 322, substituted “Members: effect of time lost” for “Enlisted members: required to make up time lost” in item 972 and added item 983.

1993—Pub. L. 103-160, div. A, title III, § 351(b), Nov. 30, 1993, 107 Stat. 1627, added item 977.

1989—Pub. L. 101-189, div. A, title XVI, § 1622(b)(3), Nov. 29, 1989, 103 Stat. 1604, struck out item 975 “Prohibition on the sale of certain defense articles from the stocks of the Department of Defense”.

1988—Pub. L. 100-456, div. A, title V, § 521(a)(2), Sept. 29, 1988, 102 Stat. 1973, substituted “Drug and alcohol abuse and dependency: testing of new entrants” for “Mandatory testing for drug, chemical, and alcohol abuse” in item 978.

1987—Pub. L. 100-180, div. A, title V, § 513(a)(2), Dec. 4, 1987, 101 Stat. 1091, 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 item 978.

1986—Pub. L. 99-661, div. A, title V, § 502(b), Nov. 14, 1986, 100 Stat. 3864, added item 982.

1984—Pub. L. 98-525, title XIV, § 1401(c)(2), Oct. 19, 1984, 98 Stat. 2615, added items 979 to 981.

1982—Pub. L. 97-306, title IV, § 408(c)(2), Oct. 14, 1982, 96 Stat. 1446, struck out item 977 “Denial of certain benefits to persons who fail to complete at least two years of an original enlistment”.

Pub. L. 97-295, § 1(14)(B), Oct. 12, 1982, 96 Stat. 1290, added item 978.

1980—Pub. L. 96-513, title V, § 501(12), Dec. 12, 1980, 94 Stat. 2908, substituted “officers on active duty” for “Regular officers” in item 973.

Pub. L. 96-342, title X, § 1002(b), Sept. 8, 1980, 94 Stat. 1119, added item 977.

1979—Pub. L. 96-107, title VIII, § 821(b), Nov. 9, 1979, 93 Stat. 820, redesignated item 975 relating to membership in military unions as 976.

1978—Pub. L. 95-610, § 2(b), Nov. 8, 1978, 92 Stat. 3088, added item 975 relating to military unions.

Pub. L. 95-485, title VIII, § 815(b), Oct. 20, 1978, 92 Stat. 1626, added item 975 relating to sale of certain defense articles.

1968—Pub. L. 90-235, §§ 4(a)(5)(B), 6(a)(6)(B), Jan. 2, 1968, 81 Stat. 759, 762, added items 973 and 974.

1958—Pub. L. 85-861, § 1(20), Sept. 2, 1958, 72 Stat. 1442, added items 971 and 972.

§ 971. Service credit: officers may not count service performed while serving as cadet or midshipman

(a) PROHIBITION ON COUNTING ENLISTED SERVICE PERFORMED WHILE AT SERVICE ACADEMY OR IN NAVY RESERVE.—The period of service under an enlistment or period of obligated service while also performing service as a cadet or midshipman or serving as a midshipman in the Navy Reserve may not be counted in computing, for any purpose, the length of service of an officer of an armed force or an officer in the Commissioned Corps of the Public Health Service.

(b) PROHIBITION ON COUNTING SERVICE AS A CADET OR MIDSHIPMAN.—In computing length of service for any purpose, service as a cadet or midshipman may not be credited to any of the following officers:

- (1) An officer of the Navy or Marine Corps.
- (2) A commissioned officer of the Army or Air Force.
- (3) An officer of the Coast Guard.
- (4) An officer in the Commissioned Corps of the Public Health Service.

(c) SERVICE AS A CADET OR MIDSHIPMAN DEFINED.—In this section, the term “service as a cadet or midshipman” means—

(1) service as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or

(2) service as a midshipman at the United States Naval Academy.

(Added Pub. L. 85–861, §1(20), Sept. 2, 1958, 72 Stat. 1442; amended Pub. L. 90–235, §6(a) (1), Jan. 2, 1968, 81 Stat. 761; Pub. L. 98–557, §17(a), Oct. 30, 1984, 98 Stat. 2867; Pub. L. 101–189, div. A, title VI, §652(a)(1)(A), (2), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 104–201, div. A, title V, §581, Sept. 23, 1996, 110 Stat. 2537; Pub. L. 105–85, div. A, title X, §1073(a)(13), Nov. 18, 1997, 111 Stat. 1900; Pub. L. 109–163, div. A, title V, §515(b)(1)(D), (2), Jan. 6, 2006, 119 Stat. 3233, 3234.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
971	50:1414.	June 25, 1956, ch. 439, §4, 70 Stat. 333.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–163 substituted “NAVY RESERVE” for “NAVAL RESERVE” in heading and “Navy Reserve” for “Naval Reserve” in text.

1997—Subsec. (b)(4). Pub. L. 105–85 substituted “Commissioned Corps” for “commissioned corps”.

1996—Pub. L. 104–201, §581(c)(3), struck out “enlisted” after “count” in section catchline.

Subsec. (a). Pub. L. 104–201, §581(a), (c)(2), inserted heading, substituted “while also performing service as a cadet or midshipman or serving as a midshipman” for “while also serving as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy or”, and inserted before period at end “or an officer in the Commissioned Corps of the Public Health Service”.

Subsec. (b). Pub. L. 104–201, §581(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In computing length of service for any purpose—

“(1) no officer of the Navy or Marine Corps may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy;

“(2) no commissioned officer of the Army or Air Force may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; and

“(3) no officer of the Coast Guard may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.”

Subsec. (c). Pub. L. 104–201, §581(c)(1), added subsec. (c).

1989—Subsec. (a). Pub. L. 101–189, §652(a)(1)(A), struck out “, under an appointment accepted after June 25, 1956,” after “Naval Reserve”.

Subsec. (b)(1). Pub. L. 101–189, §652(a)(2)(A), struck out “, if he was appointed as a midshipman or cadet after March 4, 1913” after “United States Coast Guard Academy”.

Subsec. (b)(2). Pub. L. 101–189, §652(a)(2)(B), struck out “, if he was appointed as a midshipman or cadet after August 24, 1912” after “United States Coast Guard Academy”.

1984—Subsec. (b)(3). Pub. L. 98–557 added par. (3).

1968—Pub. L. 90–235 designated existing provisions as subsec. (a) and added subsec. (b).

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.

APPLICATION OF SUBSECTION (a) TO SERVICE UNDER APPOINTMENT ACCEPTED BEFORE JUNE 26, 1956

Pub. L. 101–189, div. A, title VI, §652(a)(1)(B), Nov. 29, 1989, 103 Stat. 1461, provided that: “The limitation in section 971(a) of title 10, United States Code, shall not apply with respect to a period of service referred to in that section while also serving under an appointment as a cadet or midshipman accepted before June 26, 1956.”

§ 972. Members: effect of time lost

(a) ENLISTED MEMBERS REQUIRED TO MAKE UP TIME LOST.—An enlisted member of an armed force who—

(1) deserts;

(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

is liable, after his return to full duty, to serve for a period that, when added to the period that he served before his absence from duty, amounts to the term for which he was enlisted or inducted.

(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after February 10, 1996—

(1) deserts;

(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.

(c) WAIVER OF RECOUPMENT OF TIME LOST FOR CONFINEMENT.—The Secretary concerned shall