

**§ 3503. Retired commissioned officers: status**

A retired commissioned officer of the Army who is on active duty is considered, for all purposes except promotion, to be an officer of the branch or organization to which he is assigned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 200.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3503 .....	10:999.	July 9, 1918, ch. 143, subch. XX (2d par.), 40 Stat. 893.

The words “and shall be an extra number therein” are omitted, since, in the opinion of the Judge Advocate General of the Army (JAG 210.85, Feb. 21, 1923), they were repealed by the Act of July 31, 1935, ch. 422, 49 Stat. 505. The words “in the discretion of the President, employed \* \* \* assigned to duty” are omitted as surplusage. The word “branch” is substituted for the words “arms, corps, department” to conform to sections 3063 and 3064 of this title.

**[§ 3504. Repealed. Pub. L. 96-513, title II, § 210, Dec. 12, 1980, 94 Stat. 2884]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 200; Sept. 2, 1958, Pub. L. 85-861, §1(83), 72 Stat. 1481, authorized the President to order any retired member of the Regular Army to active duty and assign him duties considered necessary in the interests of national defense and provided that, when ordered to active duty, a retired commissioned officer of the Army any part of whose service was in the Corps of Engineers be eligible to fill any position required by law to be filled by a commissioned officer of the Corps of Engineers and that any officer who served four years as Chief of the Medical Service Corps, any officer who served two and one-half years as Chief of the Army Nurse Corps or as Chief or an assistant chief of the Women’s Medical Specialist Corps or the Army Medical Specialist Corps, or any officer who served two and one-half years as Director or Deputy Director of the Women’s Army Corps be ordered to active duty in his retired grade. See section 688 of this title.

## EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**CHAPTER 343—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES**

Sec.

[3531, 3532. Repealed.]

3533. Corps of Engineers: assignment or transfer of officers to duties involving civil functions.

3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia.

[3535. Repealed.]

3536. Leader of Army Band: appointment.

[3538 to 3542. Repealed.]

3543. Aides: detail; number authorized.

[3544 to 3546. Repealed.]

3547. Duties: chaplains; assistance required of commanding officers.

3548. Duties: warrant officers; limitations.

## AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1672(b)(5), Oct. 5, 1994, 108 Stat. 3015, struck out items 3541 “National Guard Bureau: assignment of officers of regular or reserve components” and 3542 “Chief and assistant chief of staff of divisions of Army National Guard in Federal service: detail”.

1980—Pub. L. 96-513, title V, §§ 502(13), 512(5)(C), Dec. 12, 1980, 94 Stat. 2910, 2929, struck out items 3531 “Chief of Staff to President: appointment”, 3532 “Assistant to Comptroller of Department of Defense: detail, grade”, and 3535 “Assistant to Chief of Engineers”, and in item 3534 substituted “Mayor” for “Commissioner”.

1968—Pub. L. 90-623, §2(6), Oct. 22, 1968, 82 Stat. 1314, substituted “Corps of Engineers: detail of officers to assist Commissioner of District of Columbia” for “Engineer Commissioner of the District of Columbia; assistants; detail” in item 3534.

Pub. L. 90-235, §4(a)(3), (10), (b)(2), Jan. 2, 1968, 81 Stat. 759, 760, struck out item 3538 “Geological Survey: detail of officers of Ordinance Corps”, item 3539 “American National Red Cross: detail of officers of Army Medical Service”, item 3544 “Duties: regular officers; performance of civil functions restricted”, and item 3545 “Duties: officers; superintendence of cooking for enlisted members”.

1964—Pub. L. 88-647, title III, §301(8), Oct. 13, 1964, 78 Stat. 1071, struck out item 3540 “Educational institutions: detail of members of regular or reserve components as professors and instructors in military science and tactics”.

1958—Pub. L. 85-861, §1(84), Sept. 2, 1958, 72 Stat. 1481, struck out item 3546 “Duties: officers of Medical Corps, contract surgeons; attendance on families of members”.

**[§§ 3531, 3532. Repealed. Pub. L. 96-513, title II, § 233(a), 234, Dec. 12, 1980, 94 Stat. 2887]**

Section 3531, act Aug. 10, 1956, ch. 1041, 70A Stat. 201, authorized the President, by and with the consent of the Senate, to appoint a general officer of the Army as the Chief of Staff to the President, which officer, unless entitled to the rank, pay, and allowances of a grade above lieutenant general under another provision of law, is entitled to the rank, pay, and allowances of a general, and is in addition to the numbers otherwise authorized for that grade.

Section 3532, act Aug. 10, 1956, ch. 1041, 70A Stat. 201, provided that a colonel on the active list of the Regular Army who is detailed as special assistant to the Comptroller of the Department of Defense, has the grade of brigadier general while so serving, unless he is entitled to a higher grade.

## EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 3533. Corps of Engineers: assignment or transfer of officers to duties involving civil functions**

Officers of the Corps of Engineers may be assigned or transferred to and from duties involving the civil functions of the Corps of Engineers only with the approval of the Secretary of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201; Pub. L. 89-718, §26, Nov. 2, 1966, 80 Stat. 1119.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3533 .....	10:506(c) (proviso).	Aug. 7, 1947, ch. 512, § 502(c) (proviso), 61 Stat. 883.

The words “and reassignments” are omitted as surplusage.

## AMENDMENTS

1966—Pub. L. 89-718 struck out provisions requiring the recommendation of the Chief of Engineers in order

to transfer officers of the Corps of Engineers to or from the civil functions of the Corps of Engineers.

**§ 3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia**

The President may detail not more than three officers assigned to the Corps of Engineers to assist the Mayor of the District of Columbia in discharging his duties.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201; Pub. L. 90-623, §2(5), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96-513, title V, §512(5)(A), (B), Dec. 12, 1980, 94 Stat. 2929.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3534(a) .....	10:189 (less 1st sentence).	June 11, 1878, ch. 180, §2 (48th through 56th words of 1st sentence, and 2d sentence), 20 Stat. 103.
3534(b) .....	10:190.	June 11, 1878, ch. 180, §5 (last sentence); re-stated Aug. 7, 1894, ch. 232 (proviso under "For Engineer's Office"), 28 Stat. 246. Mar. 3, 1881, ch. 134 (words after last semicolon of 1st par. under "General Expenses"), 21 Stat. 460. Dec. 24, 1890, J. Res. 7 (last sentence), 26 Stat. 1113.

In subsection (a), the words "whose grade is above first lieutenant" are substituted for the words "from among the captains or officers of higher grade". The words "in the discretion of" and "from time to time, from the Corps of Engineers, by the President, for this duty" are omitted as surplusage. 10:189 (last sentence) is omitted as obsolete.

In subsections (a) and (b), the words "assigned to" are substituted for the word "of", since, under section 3063 of this title, officers are assigned to, rather than commissioned in, the Corps of Engineers.

In subsection (b), the words "assist that officer" are substituted for the words "act as assistants to said engineer commissioner". The words "his duties" are substituted for the words "the special duties imposed upon him".

AMENDMENTS

1980—Pub. L. 96-513 substituted "Mayor" for "Commissioner" in section catchline and text.

1968—Pub. L. 90-623 substituted "Corps of Engineers: detail of officers to assist Commissioner of District of Columbia" for "Engineer Commissioner of the District of Columbia; assistants: detail" as section catchline and struck out provisions for the appointment of an Engineer Commissioner of the District of Columbia.

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.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

**[§ 3535. Repealed. Pub. L. 96-513, title II, § 235, Dec. 12, 1980, 94 Stat. 2887]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 201, provided that an officer assigned as Assistant to the Chief

of Engineers in charge of civil works, including river and harbor and flood control improvements, be entitled to the rank, pay, and allowances of a brigadier general while so serving.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 3536. Leader of Army Band: appointment**

(a) The Secretary of the Army may appoint the leader of the Army band from the warrant officers of the Regular Army. The leader serves during the pleasure of the Secretary and may be returned to his former status in the discretion of the Secretary.

[(b) Repealed. Pub. L. 87-649, §14c(5), Sept. 7, 1962, 76 Stat. 501.]

(c) Upon retirement, the leader of the Army band has the grade of warrant officer, with the retired pay to which he would have been entitled had he not been appointed leader.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201; Pub. L. 87-649, §14c(5), Sept. 7, 1962, 76 Stat. 501.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3536(a) .....	10:11 (1st sentence, less last 85 words; and 2d sentence).	Mar. 3, 1925, ch. 412, 43 Stat. 1100.
3536(b) .....	10:11 (last 85 words of 1st sentence).	
3536(c) .....	10:11 (less 1st and 2d sentences).	

In subsection (a), the word "may" is substituted for the words "is authorized". The first nine words of the second sentence are substituted for 10:11 (1st 15 words of 2d sentence).

In subsection (b), the word "basic" is substituted for the word "base" to conform to the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words "pay and allowances of a captain, and is entitled to be credited for pay purposes with all service which may be credited under section 233 of title 37" are substituted for 10:11 (last 64 words of 1st sentence). The words "in lieu of any and all pay and allowances as a warrant officer" are omitted as surplusage.

In subsection (c), 10:11 (1st proviso of last sentence) is omitted as executed. 10:11 (last proviso of last sentence) and the words "and received the pay and allowances of" are omitted as surplusage.

AMENDMENTS

1962—Subsec. (b). Pub. L. 87-649 repealed subsec. (b) which related to the basic pay and allowances of the leader of the Army band, and is now covered by sections 207 and 424 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective on 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.

**[§§ 3538, 3539. Repealed. Pub. L. 90-235, § 4(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 759, 760]**

Section 3538, act Aug. 10, 1956, ch. 1041, 70A Stat. 202, provided for detail of officers of Ordinance Corps of the Army to serve with the Geological Survey.

Section 3539, act Aug. 10, 1956, ch. 1041, 70A Stat. 202, provided for detail of officers of Army Medical Service for duty with the Service to Armed Forces Division of