

Pub. L. 96-450, title IV, § 406(b), Oct. 14, 1980, 94 Stat. 1981, added item for chapter 108.

Pub. L. 96-342, title IX, § 901(b), Sept. 8, 1980, 94 Stat. 1114, added item for chapter 107.

Pub. L. 96-323, § 2(b), Aug. 4, 1980, 94 Stat. 1019, added item for chapter 138.

1977—Pub. L. 95-79, title IV, § 402(b), July 30, 1977, 91 Stat. 330, added item for chapter 106.

1972—Pub. L. 92-426, § 2(b), Sept. 21, 1972, 86 Stat. 719, added items for chapters 104 and 105.

Pub. L. 92-425, § 2, Sept. 21, 1972, 86 Stat. 711, amended item for chapter 73 by inserting “; Survivor Benefit Plan” after “Pay” which could not be executed as directed in view of amendment by Pub. L. 87-381. See 1961 Amendment note below.

1968—Pub. L. 90-377, § 2, July 5, 1968, 82 Stat. 288, added item for chapter 48.

1967—Pub. L. 90-83, § 3(2), Sept. 11, 1967, 81 Stat. 220, struck out item for chapter 80 “Exemplary Rehabilitation Certificates”.

1966—Pub. L. 89-690, § 2, Oct. 15, 1966, 80 Stat. 1017, added item for chapter 80.

1964—Pub. L. 88-647, title I, § 101(2), title II, § 201(2), Oct. 13, 1964, 78 Stat. 1064, 1069, added items for chapters 102 and 103.

1962—Pub. L. 87-651, title II, § 203, Sept. 7, 1962, 76 Stat. 519, added item for chapter 4.

Pub. L. 87-649, § 3(2), Sept. 7, 1962, 76 Stat. 493, added item for chapter 40.

1961—Pub. L. 87-381, § 1(2), Oct. 4, 1961, 75 Stat. 810, substituted “Retired Serviceman’s Family Protection Plan” for “Annuities Based on Retired or Retainer Pay” in item for chapter 73.

1958—Pub. L. 85-861, §§ 1(21), (26), (33), 33(a)(4)(B), Sept. 2, 1958, 72 Stat. 1443, 1450, 1455, 1564, substituted “General Service Requirements” for “Service Requirements for Reserves” in item for chapter 37, “971” for “[No present sections]” in item for chapter 49, “Medical and Dental Care” for “Voting by Members of Armed Forces” in item for chapter 55, and struck out “Care of the Dead” and substituted “1475” for “1481” in item for chapter 75.

PART I—ORGANIZATION AND GENERAL MILITARY POWERS

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AMENDMENTS

2016—Pub. L. 114-328, div. A, title XII, § 1241(o)(1), Dec. 23, 2016, 130 Stat. 2512, redesignated item for chapter 13 “The Militia” as 12 and substituted “246” for “311”, redesignated item for chapter 15 “Insurrection” as 13 and substituted “251” for “331”, redesignated item for chap-

ter 17 “Arming of American Vessels” as 14 and substituted “261” for “351”, redesignated item for chapter 18 “Military Support for Civilian Law Enforcement Agencies” as 15 and substituted “271” for “371”, and added item for chapter 16.

2015—Pub. L. 114-92, div. A, title X, § 1081(a)(1), Nov. 25, 2015, 129 Stat. 1000, substituted “Cyber Matters” for “Cyber matters” in item for chapter 19.

2014—Pub. L. 113-291, div. A, title XVI, § 1632(d), Dec. 19, 2014, 128 Stat. 3640, added item for chapter 19.

2013—Pub. L. 113-66, div. A, title X, § 1091(a)(1), Dec. 26, 2013, 127 Stat. 875, substituted “Nuclear Posture” for “Nuclear posture” in item for chapter 24.

Pub. L. 112-239, div. A, title X, § 1031(b)(2), Jan. 2, 2013, 126 Stat. 1918, added item for chapter 24.

2008—Pub. L. 110-181, div. A, title X, § 1068(a)(4)(B), Jan. 28, 2008, 122 Stat. 326, substituted “Insurrection” for “Enforcement of the Laws to Restore Public Order” in item for chapter 15.

2006—Pub. L. 109-364, div. A, title X, § 1076(a)(4)(A), Oct. 17, 2006, 120 Stat. 2405, substituted “Enforcement of the Laws to Restore Public Order” for “Insurrection” in item for chapter 15.

2004—Pub. L. 108-375, div. A, title X, § 1084(d)(1), Oct. 28, 2004, 118 Stat. 2061, substituted “480” for “481” in item for chapter 23.

2003—Pub. L. 108-136, div. A, title IX, § 921(d)(8), Nov. 24, 2003, 117 Stat. 1569, substituted “Geospatial-Intelligence” for “Imagery and Mapping” in item for chapter 22.

1997—Pub. L. 105-85, div. A, title X, § 1073(a)(1), Nov. 18, 1997, 111 Stat. 1900, substituted “481” for “471” in item for chapter 23.

1996—Pub. L. 104-201, div. A, title XI, § 1123(a)(2), Sept. 23, 1996, 110 Stat. 2688, substituted “National Imagery and Mapping Agency” for “Miscellaneous Studies and Reports” and “441” for “451” in item for chapter 22 and added item for chapter 23.

1994—Pub. L. 103-337, div. A, title V, § 554(a)(2), Oct. 5, 1994, 108 Stat. 2773, added item for chapter 22.

1991—Pub. L. 102-190, div. A, title X, § 1002(a)(2), Dec. 5, 1991, 105 Stat. 1455, substituted “Defense Budget Matters” for “Regular Components” and inserted “221” in item for chapter 9.

1988—Pub. L. 100-456, div. A, title XI, § 1104(b), Sept. 29, 1988, 102 Stat. 2046, substituted “Support for” for “Cooperation With” and “Agencies” for “Officials” in item for chapter 18.

1987—Pub. L. 100-180, div. A, title III, § 332(c), Dec. 4, 1987, 101 Stat. 1080, substituted “Humanitarian and Other Assistance” for “Humanitarian and Civic Assistance Provided in Conjunction With Military Operations” in item for chapter 20.

Pub. L. 100-26, § 9(b)(4), Apr. 21, 1987, 101 Stat. 287, added item for chapter 21.

1986—Pub. L. 99-661, div. A, title III, § 333(a)(2), Nov. 14, 1986, 100 Stat. 3859, added item for chapter 20.

Pub. L. 99-433, title VI, § 605(a), Oct. 1, 1986, 100 Stat. 1075a, added items for chapters 2 and 6, inserted “and Functions” in item for chapter 3, substituted “Office of the Secretary of Defense” for “Department of Defense” in item for chapter 4, substituted “151” for “141” as section number in item for chapter 5, reenacted item for chapter 7 without change, and inserted “and Department of Defense Field activities” in item for chapter 8.

1982—Pub. L. 97-269, title V, § 501(b), Sept. 27, 1982, 96 Stat. 1145, added item for chapter 8.

1981—Pub. L. 97-86, title IX, § 905(a)(2), Dec. 1, 1981, 95 Stat. 1116, added item for chapter 18.

1962—Pub. L. 87-651, title II, § 203, Sept. 7, 1962, 76 Stat. 519, added item for chapter 4.

CHAPTER 1—DEFINITIONS

Sec.	
101.	Definitions.

§ 101. Definitions

(a) IN GENERAL.—The following definitions apply in this title:

(1) The term “United States”, in a geographic sense, means the States and the District of Columbia.

[(2) Repealed. Pub. L. 109-163, div. A, title X, §1057(a)(1), Jan. 6, 2006, 119 Stat. 3440.]

(3) The term “possessions” includes the Virgin Islands, Guam, American Samoa, and the Guano Islands, so long as they remain possessions, but does not include any Commonwealth.

(4) The term “armed forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) The term “uniformed services” means—

(A) the armed forces;

(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

(C) the commissioned corps of the Public Health Service.

(6) The term “department”, when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, such term means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

(7) The term “executive part of the department” means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

(8) The term “military departments” means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

(9) The term “Secretary concerned” means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy;

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

(10) The term “service acquisition executive” means the civilian official within a military department who is designated as the service acquisition executive for purposes of regulations and procedures providing for a service acquisition executive for that military department.

(11) The term “Defense Agency” means an organizational entity of the Department of Defense—

(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

(B) that is designated by the Secretary of Defense as a Defense Agency.

(12) The term “Department of Defense Field Activity” means an organizational entity of the Department of Defense—

(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department; and

(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.

(13) The term “contingency operation” means a military operation that—

(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 of this title, chapter 15 of this title, section 712 of title 14, or any other provision of law during a war or during a national emergency declared by the President or Congress.

(14) The term “supplies” includes material, equipment, and stores of all kinds.

(15) The term “pay” includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

(16) The term “congressional defense committees” means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(17) The term “base closure law” means the following:

(A) Section 2687 of this title.

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(18) The term “acquisition workforce” means the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of this title.

(b) **PERSONNEL GENERALLY.**—The following definitions relating to military personnel apply in this title:

(1) The term “officer” means a commissioned or warrant officer.

(2) The term “commissioned officer” includes a commissioned warrant officer.

(3) The term “warrant officer” means a person who holds a commission or warrant in a warrant officer grade.

(4) The term “general officer” means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

(5) The term “flag officer” means an officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or rear admiral (lower half).

(6) The term “enlisted member” means a person in an enlisted grade.

(7) The term “grade” means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(8) The term “rank” means the order of precedence among members of the armed forces.

(9) The term “rating” means the name (such as “boatswain’s mate”) prescribed for members of an armed force in an occupational field. The term “rate” means the name (such as “chief boatswain’s mate”) prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

(10) The term “original”, with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to that member’s most recent appointment in that component that is neither a promotion nor a demotion.

(11) The term “authorized strength” means the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces.

(12) The term “regular”, with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office in a regular component of an armed force.

(13) The term “active-duty list” means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

(14) The term “medical officer” means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

(15) The term “dental officer” means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

(16) The term “Active Guard and Reserve” means a member of a reserve component who is on active duty pursuant to section 12301(d) of this title or, if a member of the Army Na-

tional Guard or Air National Guard, is on full-time National Guard duty pursuant to section 502(f) of title 32, and who is performing Active Guard and Reserve duty.

(c) **RESERVE COMPONENTS.**—The following definitions relating to the reserve components apply in this title:

(1) The term “National Guard” means the Army National Guard and the Air National Guard.

(2) The term “Army National Guard” means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is a land force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(3) The term “Army National Guard of the United States” means the reserve component of the Army all of whose members are members of the Army National Guard.

(4) The term “Air National Guard” means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is an air force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(5) The term “Air National Guard of the United States” means the reserve component of the Air Force all of whose members are members of the Air National Guard.

(6) The term “reserve”, with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of one of the armed forces.

(7) The term “reserve active-status list” means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.

(d) **DUTY STATUS.**—The following definitions relating to duty status apply in this title:

(1) The term “active duty” means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

(2) The term “active duty for a period of more than 30 days” means active duty under a

call or order that does not specify a period of 30 days or less.

(3) The term “active service” means service on active duty or full-time National Guard duty.

(4) The term “active status” means the status of a member of a reserve component who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

(5) The term “full-time National Guard duty” means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member’s status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

(6)(A) The term “active Guard and Reserve duty” means active duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps, or full-time National Guard duty performed by a member of the National Guard pursuant to an order to full-time National Guard duty, for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

(B) Such term does not include the following:

(i) Duty performed as a member of the Reserve Forces Policy Board provided for under section 10301 of this title.

(ii) Duty performed as a property and fiscal officer under section 708 of title 32.

(iii) Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of title 32.

(iv) Duty performed as a general or flag officer.

(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. 3809(b)(2)).

(7) The term “inactive-duty training” means—

(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard.

(e) FACILITIES AND OPERATIONS.—The following definitions relating to facilities and operations apply in this title:

(1) RANGE.—The term “range”, when used in a geographic sense, means a designated land or water area that is set aside, managed, and

used for range activities of the Department of Defense. Such term includes the following:

(A) Firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, electronic scoring sites, buffer zones with restricted access, and exclusionary areas.

(B) Airspace areas designated for military use in accordance with regulations and procedures prescribed by the Administrator of the Federal Aviation Administration.

(2) RANGE ACTIVITIES.—The term “range activities” means—

(A) research, development, testing, and evaluation of military munitions, other ordnance, and weapons systems; and

(B) the training of members of the armed forces in the use and handling of military munitions, other ordnance, and weapons systems.

(3) OPERATIONAL RANGE.—The term “operational range” means a range that is under the jurisdiction, custody, or control of the Secretary of a military department and—

(A) that is used for range activities, or

(B) although not currently being used for range activities, that is still considered by the Secretary to be a range and has not been put to a new use that is incompatible with range activities.

(4) MILITARY MUNITIONS.—(A) The term “military munitions” means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the Coast Guard, the Department of Energy, and the National Guard.

(B) Such term includes the following:

(i) Confined gaseous, liquid, and solid propellants.

(ii) Explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents.

(iii) Chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, and demolition charges.

(iv) Devices and components of any item specified in clauses (i) through (iii).

(C) Such term does not include the following:

(i) Wholly inert items.

(ii) Improvised explosive devices.

(iii) Nuclear weapons, nuclear devices, and nuclear components, other than nonnuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

(5) UNEXPLODED ORDNANCE.—The term “unexploded ordnance” means military munitions that—

(A) have been primed, fused, armed, or otherwise prepared for action;

(B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and

(C) remain unexploded, whether by malfunction, design, or any other cause.

(f) RULES OF CONSTRUCTION.—In this title—

(1) “shall” is used in an imperative sense;

(2) “may” is used in a permissive sense;

(3) “no person may * * *” means that no person is required, authorized, or permitted to do the act prescribed;

(4) “includes” means “includes but is not limited to”; and

(5) “spouse” means husband or wife, as the case may be.

(g) REFERENCE TO TITLE 1 DEFINITIONS.—For other definitions applicable to this title, see sections 1 through 5 of title 1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 3; Pub. L. 85–861, §§1(1), 33(a)(1), Sept. 2, 1958, 72 Stat. 1437, 1564; Pub. L. 86–70, §6(a), June 25, 1959, 73 Stat. 142; Pub. L. 86–624, §4(a), July 12, 1960, 74 Stat. 411; Pub. L. 87–649, §6(f)(1), Sept. 7, 1962, 76 Stat. 494; Pub. L. 90–235, §7(a)(1), Jan. 2, 1968, 81 Stat. 762; Pub. L. 90–623, §2(1), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 92–492, §1, Oct. 13, 1972, 86 Stat. 810; Pub. L. 96–513, title I, §§101, 115(a), title V, §501(2), Dec. 12, 1980, 94 Stat. 2839, 2877, 2907; Pub. L. 97–22, §2(a), July 10, 1981, 95 Stat. 124; Pub. L. 97–86, title IV, §405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 98–525, title IV, §414(a)(1), Oct. 19, 1984, 98 Stat. 2518; Pub. L. 99–145, title V, §514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 99–348, title III, §303, July 1, 1986, 100 Stat. 703; Pub. L. 99–433, title III, §302, Oct. 1, 1986, 100 Stat. 1022; Pub. L. 100–26, §7(i), (k)(1), Apr. 21, 1987, 101 Stat. 282, 283; Pub. L. 100–180, div. A, title XII, §§1231(1), (20), 1233(a)(2), Dec. 4, 1987, 101 Stat. 1160, 1161; Pub. L. 100–456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 101–510, div. A, title XII, §1204, Nov. 5, 1990, 104 Stat. 1658; Pub. L. 102–190, div. A, title VI, §631(a), Dec. 5, 1991, 105 Stat. 1380; Pub. L. 102–484, div. A, title X, §1051(a), Oct. 23, 1992, 106 Stat. 2494; Pub. L. 103–337, div. A, title V, §514, title XVI, §§1621, 1671(c)(1), Oct. 5, 1994, 108 Stat. 2753, 2960, 3014; Pub. L. 104–106, div. A, title XV, §1501(c)(1), Feb. 10, 1996, 110 Stat. 498; Pub. L. 104–201, div. A, title V, §522, Sept. 23, 1996, 110 Stat. 2517; Pub. L. 107–296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108–136, div. A, title X, §§1042(a), 1043(a), 1045(a)(2), Nov. 24, 2003, 117 Stat. 1608, 1610, 1612; Pub. L. 108–375, div. A, title X, §1084(a), Oct. 28, 2004, 118 Stat. 2060; Pub. L. 109–163, div. A, title X, §§1056(c)(1), 1057(a)(1), (2), Jan. 6, 2006, 119 Stat. 3439, 3440; Pub. L. 109–364, div. A, title V, §524, Oct. 17, 2006, 120 Stat. 2193; Pub. L. 111–383, div. A, title VIII, §876, Jan. 7, 2011, 124 Stat. 4305; Pub. L. 112–81, div. A, title V, §515(b), Dec. 31, 2011, 125 Stat. 1395; Pub. L. 112–239, div. A, title VI, §681(a), Jan. 2, 2013, 126 Stat. 1795; Pub. L. 114–328, div. A, title X, §1081(b)(1)(A)(i), Dec. 23, 2016, 130 Stat. 2417.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
101(1)	50:351 (clause (b)).	Sept. 16, 1942, ch. 561, § 401 (clause (b)); added Apr. 1, 1944, ch. 150, § 401 (clause (b)); re-stated Apr. 19, 1946, ch. 142, § 401 (clause (b)), 60 Stat. 102.
101(2)	32:4c (1st 33 words).	July 9, 1952, ch. 608, § 101(d) (less 2d sentence), (e), (g), § 702 (for definition purposes), 66 Stat. 481, 482, 501.
101(3)	[No source].	
101(4)	50:901(e).	
101(5)	5:181–1(c) (for definition purposes); 5:411a(a) (for definition purposes); 5:626(c) (for definition purposes).	
101(6)	[No source].	
101(7)	5:171(b) (last 23 words of clause (1), for definition purposes).	
101(8)	10:600(a); 34:135(a).	July 26, 1947, ch. 343, §§205(c) (for definition purposes), 206(a) (for definition purposes), 207(c) (for definition purposes), 61 Stat. 501, 502.
101(9)	[No source].	
101(10)	32:2 (for definition purposes); 32:4b (for definition purposes).	July 26, 1947, ch. 343, § 201(b) (last 31 words of clause (1), for definition purposes); re-stated Aug. 10, 1949, ch. 412, § 4 (last 31 words of clause (1) of 201(b), for definition purposes), 63 Stat. 579.
101(11)	50:1112(a) (for definition purposes).	June 3, 1916, ch. 134, § 62 (1st 36 words of last proviso), 39 Stat. 198.
101(12)	10:1835 (less last 16 words, for definition purposes); 32:2 (for definition purposes); 32:4b (for definition purposes).	June 3, 1916, ch. 134, § 117 (for definition purposes), 39 Stat. 212.
101(13)	50:1112(b) (for definition purposes).	
101(14)	5:181–3(b) (less last sentence); 10:1a(b) (less last sentence); 10:1801(b) (less last sentence); 37:231(c) (1st sentence, for definition purposes); 50:901(g).	June 3, 1916, ch. 134, § 71 (for definition purposes); added June 15, 1933, ch. 87, § 9 (for definition purposes), 48 Stat. 157; Oct. 12, 1949, ch. 681, § 530 (for definition purposes), 63 Stat. 837; July 9, 1952, ch. 608, § 803 (9th par., for definition purposes), 66 Stat. 505.
101(15)	[No source].	
101(16)	10:600(b); 34:135(b).	
101(17)	5:181–3(b) (last sentence); 10:1a(b) (last sentence); 10:1801(b) (last sentence); 50:551(9).	
101(18)	[No source].	
101(19)	[No source].	
101(20)	[No source].	
101(21)	[No source].	
101(22)	10:1036e(d) (for definition purposes); 34: 440m(d) (for definition purposes).	
101(23)	[No source].	Sept. 19, 1951, ch. 407, §§2(b), 305 (less last 16 words, for definition purposes), 65 Stat. 326, 330.
101(24)	[No source].	
101(26)	[No source].	
101(27)	[No source].	
101(28)	[No source].	
101(29)	[No source].	
101(30)	[No source].	
101(31)	50:901(d) (less 2d sentence).	June 28, 1950, ch. 383, § 2(b), 64 Stat. 263; July 9, 1952, ch. 608, § 807(a), 66 Stat. 508.
101(32)	[No source].	
101(33)	[No source].	
101(34)	[No source].	Oct. 12, 1949, ch. 681, § 102(c) (1st sentence, for definition purposes), 63 Stat. 804.
		May 5, 1950, ch. 169, § 1 (Art. 1 (clause (9))), 64 Stat. 108.
		May 29, 1954, ch. 249, § 2(a), (b), 68 Stat. 157.
		June 29, 1948, ch. 708, § 306(d) (for definition purposes), 62 Stat. 1089.

The definitions in clauses (3), (15), (18)–(21), (23)–(30), and (31)–(33) reflect the adoption of terminology which, though undefined in the source statutes restated in this title, represents the closest practicable approximation of the ways in which the terms defined have been most commonly used. A choice has been made where established uses conflict.

In clause (2), the definition of “Territory” in 32:4c is executed throughout this revised title by specific reference, where applicable, to the Territories, Puerto Rico and the Canal Zone.

In clause (4), the definition of “armed forces” is based on the source statute instead of 50:551(2), which does not include an express reference to the Marine Corps. The words “including all components thereof” are omitted as surplusage.

In clause (5), the term “Department” is defined to give it the broad sense of “Establishment”, to conform to the source statute and the usage preferred by the Department of Defense, instead of the more limited

sense defined by 5:421g(a) and 423a(a), and 10:1a(d) and 1801(d).

In clause (6), the term “executive part of the department” is created for convenience in referring to what is described in the source statutes for this title as “department” in the limited sense of the executive part at the seat of government. This is required by the adoption of the word “department” in clause (5) to cover the broader concept of “establishment”.

In clause (8), the term “Secretary concerned” is created and defined for legislative convenience.

In clause (9), a definition of “National Guard” is inserted for clarity.

In clause (10)(A), the words “a land force” are substituted for 32:2 (as applicable to Army National Guard). The National Defense Act of 1916, §117 (last 66 words), 39 Stat. 212, is not contained in 32:2. It is also omitted from the revised section as repealed by the Act of February 28, 1925, ch. 374, § 3, 43 Stat. 1081.

In clauses (10) and (11), the word “Army” is inserted to distinguish the organizations defined from their Air Force counterparts.

In clauses (10) and (12), the words “unless the context or subject matter otherwise requires” and “as provided in this title”, in 32:4b, are omitted as surplusage.

In clauses (10)(B) and (12)(B), the words “has its officers appointed” are substituted for the word “officered”, in 32:4b.

In clauses (11) and (13), only that much of the description of the composition of the Army National Guard of the United States and the Air National Guard of the United States is used as is necessary to distinguish these reserve components, respectively, from the other reserve components.

In clause (12)(A), the words “an air force” are substituted for the words “for which Federal responsibility has been vested in the Secretary of the Air Force or the Department of the Air Force pursuant to law”, in 10:1835, and for 32:2 (as applicable to Air National Guard), to make the definition of “Air National Guard” parallel with the definition of “Army National Guard”, and to make explicit the intent of Congress, in creating the Air National Guard, that the organized militia henceforth should consist of three mutually exhaustive classes comprising the Army, Air, and Naval militia.

In clause (14), the definition of “officer” is based on the source statutes instead of 50:551(5), which excludes warrant officers. The reference to appointment in 10:1a(b) (2d sentence and 10:1801(b) (2d sentence), and the words “commissioned warrant officer”, “flight officer”, and “either permanent or temporary”, in 37:231(c) (1st sentence), are omitted as surplusage. 5:181-3(b) (1st sentence), 10:1a(b) (1st sentence), and 10:1801(b) (1st sentence) are omitted as covered by the definitions in clauses (14) and (16) of the revised section and by section 3062(c) and section 8062(d) of this title.

In clause (16), the words “unless otherwise qualified”, “permanent or temporary”, and “in the Army, Navy, Air Force, Marine Corps, or Coast Guard, including any component thereof” are omitted as surplusage. The word “person” is substituted for the word “officer”.

In clause (22), the definition of “active duty” is based on the definition of “active Federal service” in the source statute, since it is believed to be closer to general usage than the definition in 50:901(b), which excludes active duty for training from the general concept of active duty.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
101(25)	50:1181(6).	Sept. 3, 1954, ch. 1257, §102(6), 68 Stat. 1150.

The words “, other than a commissioned warrant officer,” are inserted to reflect 50:1181(1).

[Clause (35).] The word “original” is defined to make clear that when used in relation to an appointment it refers to the member’s first appointment in his current

series of appointments and excludes any appointment made before a lapse in service.

REFERENCES IN TEXT

Section 125(d) of this title, referred to in subsec. (a)(12)(A), was repealed by Pub. L. 99-433, title III, §301(b)(1), Oct. 1, 1986, 100 Stat. 1022.

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (a)(17)(B), is part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, as amended, which is set out as a note under section 2687 of this title. For complete classification of this Act to the Code, see Tables.

The Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsec. (a)(17)(C), is Pub. L. 100-526, Oct. 24, 1988, 102 Stat. 2623, as amended. Title II of the Act is set out as a note under section 2687 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 2687 of this title and Tables.

The Atomic Energy Act of 1954, referred to in subsec. (e)(4)(C)(iii), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

CODIFICATION

Pub. L. 107-296, §1704(b)(1), which directed amendment of section 101(9) of this title by substituting of “of Homeland Security” for “of Transportation” wherever appearing, could not be executed because there is no section 101(9).

AMENDMENTS

2016—Subsec. (d)(6)(B)(v). Pub. L. 114-328 substituted “(50 U.S.C. 3809(b)(2))” for “(50 U.S.C. App. 460(b)(2))”.

2013—Subsec. (a)(13)(B). Pub. L. 112-239 inserted “section 712 of title 14,” after “chapter 15 of this title,”.

2011—Subsec. (a)(13)(B). Pub. L. 112-81 inserted “12304a,” after “12304,”.

Subsec. (a)(18). Pub. L. 111-383 added par. (18).

2006—Subsec. (a)(2). Pub. L. 109-163, §1057(a)(1), struck out par. (2) which read as follows: “The term ‘Territory’ (except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States) means any Territory organized after August 10, 1956, so long as it remains a Territory.”

Subsec. (a)(3). Pub. L. 109-163, §1057(a)(2), struck out “Territory or” before “Commonwealth”.

Subsec. (b)(16). Pub. L. 109-364, §524(1), added par. (16).

Subsec. (d)(6)(A). Pub. L. 109-364, §524(2), struck out “or full-time National Guard duty” after “means active duty” and substituted “pursuant to an order to full-time National Guard duty,” for “, pursuant to an order to active duty or full-time National Guard duty”.

Subsec. (e)(4)(B)(ii). Pub. L. 109-163, §1056(c)(1), struck out comma after “bulk explosives”.

2004—Subsec. (e)(3). Pub. L. 108-375 substituted “Secretary of a military department” for “Secretary of Defense” in introductory provisions.

2003—Subsec. (a)(9)(D). Pub. L. 108-136, §1045(a)(2), substituted “Homeland Security” for “Transportation”.

Subsec. (a)(16), (17). Pub. L. 108-136, §1043(a), added pars. (16) and (17).

Subsecs. (e) to (g). Pub. L. 108-136, §1042(a), added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

1996—Subsec. (d)(4). Pub. L. 104-201 substituted “a member of a reserve component” for “a reserve commissioned officer, other than a commissioned warrant officer,”.

Subsec. (d)(6)(B)(i). Pub. L. 104-160 substituted “section 10301” for “section 175”.

1994—Subsec. (a)(13)(B). Pub. L. 103-337, §1671(c)(1), substituted “688, 12301(a), 12302, 12304, 12305, or 12406” for “672(a), 673, 673b, 673c, 688, 3500, or 8500”.

Subsec. (c)(7). Pub. L. 103-337, §1621, added par. (7).

Subsec. (d)(6), (7). Pub. L. 103-337, §514, added par. (6) and redesignated former par. (6) as (7).

1992—Pub. L. 102-484 amended section generally, substituting subssecs. (a) to (f) for former pars. (1) to (47) which defined terms for purposes of this title.

1991—Par. (47). Pub. L. 102-190 added par. (47).

1990—Par. (46). Pub. L. 101-510 added par. (46).

1988—Pars. (3), (10), (12). Pub. L. 100-456 struck out “the Canal Zone,” after “the Virgin Islands,” in par. (3) and after “Puerto Rico,” in pars. (10) and (12).

1987—Par. (1). Pub. L. 100-26, §7(k)(1)(A), inserted “The term” after par. designation.

Par. (2). Pub. L. 100-26, §7(1)(k)(B), inserted “the term” after “Air National Guard of the United States.”

Pub. L. 100-180, §1233(a)(2), amended directory language of Pub. L. 100-26, §7(k)(1)(C), by adding par. (2) to those pars. excepted from direction that initial letter of first word after open quotation marks in each par. be made lowercase rather than uppercase.

Pars. (3) to (7). Pub. L. 100-26, §7(k)(1)(A), (C), inserted “The term” after par. designation and struck out uppercase letter of first word after open quotation marks and substituted lowercase letter.

Pars. (8) to (13). Pub. L. 100-26, §7(k)(1)(A), inserted “The term” after par. designation.

Par. (14). Pub. L. 100-180, §1231(1), inserted “a” after “means”.

Pub. L. 100-26, §7(k)(1)(A), (C), inserted “The term” after par. designation and struck out uppercase letter of first word after open quotation marks and substituted lowercase letter.

Pars. (15) to (19). Pub. L. 100-26, §7(k)(1)(A), (C), inserted “The term” after par. designation and struck out uppercase letter of first word after open quotation marks and substituted lowercase letter.

Par. (20). Pub. L. 100-180, §1231(20), substituted “The term ‘rate’ for ‘Rate’ in second sentence.

Pub. L. 100-26, §7(k)(1)(A), (C), inserted “The term” after par. designation and struck out uppercase letter of first word after open quotation marks and substituted lowercase letter.

Pars. (21) to (43). Pub. L. 100-26, §7(k)(1)(A), (C), inserted “The term” after par. designation and struck out uppercase letter of first word after open quotation marks and substituted lowercase letter.

Pars. (44), (45). Pub. L. 100-26, §7(i)(1), (k)(1)(A), inserted “The term” after par. designation and substituted “October 1, 1986” for “the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986”.

1986—Par. (43). Pub. L. 99-348 added par. (43).

Pars. (44), (45). Pub. L. 99-433 added pars. (44) and (45).

1985—Par. (41). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Par. (22). Pub. L. 98-525, §414(a)(1)(A), inserted “It does not include full-time National Guard duty.”

Par. (24). Pub. L. 98-525, §414(a)(1)(B), inserted “or full-time National Guard duty”.

Par. (42). Pub. L. 98-525, §414(a)(1)(C), added par. (42).

1981—Par. (41). Pub. L. 97-86 substituted “commodore” for “commodore admiral”.

Pub. L. 97-22 inserted “or Coast Guard” after “Navy”.

1980—Par. (22). Pub. L. 96-513, §501(2), struck out “duty on the active list,” after “It includes”.

Par. (36). Pub. L. 96-513, §115(a), struck out par. (36) which provided that “dependent”, with respect to a female member of an armed force, did not include her husband, unless he was in fact dependent on her for his chief support, or her child, unless his father was dead or he was in fact dependent on her for his chief support.

Pars. (37) to (41). Pub. L. 96-513, §101, added pars. (37) to (41).

1972—Par. (2). Pub. L. 92-492 inserted “Except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States,” before “Territory”.

1968—Par. (8)(D). Pub. L. 90-623 substituted “Secretary of Transportation” for “Secretary of the Treasury”.

Par. 36. Pub. L. 90-235 added par. (36).

1962—Par. (31)(A). Pub. L. 87-649 substituted “section 206 of title 37” for “section 301 of title 37”.

1960—Par. (2). Pub. L. 80-624 struck out reference to Hawaii.

1959—Par. (2). Pub. L. 80-70 struck out reference to Alaska.

1958—Par. (25). Pub. L. 85-861, §1(1), added par. (25).

Par. (35). Pub. L. 85-861, §33(a)(1), added par. (35).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title VI, §681(d), Jan. 2, 2013, 126 Stat. 1795, provided that:

“(1) INCLUSION OF PRIOR ORDERS.—The amendments made by this section [amending this section, section 12731 of this title, and section 3301 of Title 38, Veterans’ Benefits] shall apply to any call or order to active duty authorized under section 712 of title 14, United States Code, on or after December 31, 2011, by the Secretary of the executive department in which the Coast Guard is operating.

“(2) CREDIT FOR PRIOR SERVICE.—The amendments made by this section shall be deemed to have been enacted on December 31, 2011, for purposes of applying the amendments to the following provisions of law:

“(A) Section 5538 of title 5, United States Code, relating to nonreduction in pay.

“(B) Section 701 of title 10, United States Code, relating to the accumulation and retention of leave.

“(C) Section 12731 of title 10, United States Code, relating to age and service requirements for receipt of retired pay for non-regular service.”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-296, title XVII, §1704(g), Nov. 25, 2002, 116 Stat. 2316, provided that: “The amendments made by this section (other than subsection (f)) [see Tables for classification] shall take effect on the date of transfer of the Coast Guard to the Department [of Homeland Security].”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XV, §1501(c), Feb. 10, 1996, 110 Stat. 498, provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1671(c)(1) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, and amendment by section 1621 of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-180, div. A, title XII, §1233(c)(1), Dec. 4, 1987, 101 Stat. 1161, provided that: “The amendments made by subsection (a) [amending this section, section 2432 of this title, and section 406b of Title 37, Pay and Allowances of the Uniformed Services] shall apply as if included in the enactment of the Defense Technical Corrections Act of 1987 (Public Law 100-26).”

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-86, title IV, §405(f), Dec. 1, 1981, 95 Stat. 1106, provided that: “The amendments made by this section [amending this section, sections 525, 601, 611, 612, 619, 625, 634, 635, 637, 638, 645, 741, 5138, 5149, 5155, 5442, 5444, 5457, 5501, and 6389 of this title, section 201 of Title 37, Pay and Allowances of the Uniformed Services, and a provision set out as a note under section 611 of this title] shall take effect as of September 15, 1981.”

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-513, title VII, §701, Dec. 12, 1980, 94 Stat. 2955, provided that:

“(a) Except as provided in subsection (b), this Act and the amendments made by this Act [see Tables for classification] shall take effect on September 15, 1981.

“(b)(1) The authority to prescribe regulations under the amendments made by titles I through IV and under the provisions of title VI shall take effect on the date of the enactment of this Act [Dec. 12, 1980].

“(2) The amendment made by section 415 [enacting section 302(h) of Title 37, Pay and Allowances of the Uniformed Services] shall take effect as of July 1, 1980.

“(3) The amendments made by part B of title V shall take effect on the date of the enactment of this Act [Dec. 12, 1980].

“(4) Part D of title VI shall take effect on the date of the enactment of this Act [Dec. 12, 1980].”

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.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Inconsistent Provisions note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-861, §33(g), Sept. 2, 1958, 72 Stat. 1568, provided that: “This section [see Tables for classification] is effective as of August 10, 1956, for all purposes.”

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-328, div. E, §5001, Dec. 23, 2016, 130 Stat. 2894, provided that: “This division [div. E (§§5001-5542) of Pub. L. 114-328, see Tables for classification] may be cited as the ‘Military Justice Act of 2016.’”

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-23, §1(a), May 22, 2009, 123 Stat. 1704, provided that: “This Act [enacting sections 139c, 139d, 2334, and 2433a of this title, amending sections 139a, 181, 2306b, 2366a, 2366b, 2430, 2433, 2434, 2445c, 2501, and 2505 of this title and section 5315 of Title 5, Government Organization and Employees, enacting provisions set out as notes under sections 139a, 139c, 181, 2302, 2366a, 2366b, 2430, and 2433a of this title, and amending provisions set out as a note under section 2304 of this title] may be cited as the ‘Weapon Systems Acquisition Reform Act of 2009.’”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-317, §1(a), Aug. 29, 2008, 122 Stat. 3526, provided that: “This Act [amending sections 1145, 1146, and 1174 of this title, sections 2108 and 8521 of Title 5, Government Organization and Employees, section 685 of Title 26, Internal Revenue Code, section 303a of Title 37, Pay and Allowances of the Uniformed Services, and sections 3011, 3012, 3702, and 4211 of Title 38, Veterans’ Benefits, and enacting provisions set out as notes under section 2108 of Title 5 and section 685 of Title 26] may be cited as the ‘Hubbard Act.’”

Pub. L. 110-181, div. A, title VIII, §800, Jan. 28, 2008, 122 Stat. 202, provided that: “This title [see Tables for classification] may be cited as the ‘Acquisition Improvement and Accountability Act of 2007.’”

Pub. L. 110-181, div. A, title XVIII, §1801, Jan. 28, 2008, 122 Stat. 496, provided that: “This title [enacting section 10508 of this title, amending sections 113, 164, 526, 10501 to 10503, 10541, 14508, 14511, and 14512 of this title, and enacting provisions set out as notes under sections 113 and 164 of this title and section 104 of Title 32, National Guard] may be cited as the ‘National Guard Empowerment Act of 2007.’”

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-148, div. A, title VIII, §8126(a), Dec. 30, 2005, 119 Stat. 2728, which provided that this Act, probably meaning section 8126 of div. A of Pub. L. 109-148, which amended section 2554 of this title and section 5309 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under section 2554 of this title and section 301 of Title 5, Government Organization and Employees, could be cited as the ‘Support Our Scouts Act of 2005’, was repealed by Pub. L. 109-364, div. A, title X, §1071(f)(3), Oct. 17, 2006, 120 Stat. 2402.

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-38, §1, July 22, 1999, 113 Stat. 205, provided that: “This Act [enacting provisions set out as notes under section 2431 of this title and section 5901 of Title 22, Foreign Relations and Intercourse] may be cited as the ‘National Missile Defense Act of 1999.’”

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-25, §1, Apr. 6, 1991, 105 Stat. 75, provided that: “This Act [see Tables for classification] may be cited as the ‘Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.’”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-26, §1, Apr. 21, 1987, 101 Stat. 273, provided that: “This Act [see Tables for classification] may be cited as the ‘Defense Technical Corrections Act of 1987.’”

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-22, §1(a), July 10, 1981, 95 Stat. 124, provided that: “this Act [see Tables for classification] may be cited as the ‘Defense Officer Personnel Management Act Technical Corrections Act.’”

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-513, §1(a), Dec. 12, 1980, 94 Stat. 2835, provided that: “This Act [see Tables for classification] may be cited as the ‘Defense Officer Personnel Management Act.’”

SAVINGS PROVISION

Pub. L. 96-513, title VII, §703, Dec. 12, 1980, 94 Stat. 2956, provided that: “Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act [see Tables for classification] do not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act [see Effective Date of 1980 Amendment note above].”

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.

LAWS IN SUSPENDED STATUS PRIOR TO 1980
AMENDMENT BY PUB. L. 96-513

Pub. L. 96-513, title VII, §702, Dec. 12, 1980, 94 Stat. 2955, provided that: “If a provision of law that is in a suspended status on the day before the effective date of this Act [see Effective Date of 1980 Amendment note above] is amended by this Act [see Tables for classification], the suspended status of that provision is not affected by that amendment.”

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Authority vested by this title in “military departments”, “the Secretary concerned”, or “the Secretary

of Defense” to be exercised, with respect to commissioned officer corps of National Oceanic and Atmospheric Administration, by Secretary of Commerce or Secretary’s designee, see section 3071 of Title 33, Navigation and Navigable Waters.

PUBLIC HEALTH SERVICE

Authority vested by this title in “military departments”, “the Secretary concerned”, or “the Secretary of Defense” to be exercised, with respect to commissioned officers of Public Health Service, by Secretary of Health and Human Services or his designee, see section 213a of Title 42, The Public Health and Welfare.

COORDINATION OF CERTAIN SECTIONS OF AN ACT WITH OTHER PROVISIONS OF THAT ACT

Pub. L. 114-328, div. A, title X, §1081(d), Dec. 23, 2016, 130 Stat. 2420, provided that: “For purposes of applying amendments made by provisions of this Act other than this section [see Tables for classification], the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.”

Similar provisions were contained in the following prior acts:

Pub. L. 114-92, div. A, title X, §1081(e), Nov. 25, 2015, 129 Stat. 1002.

Pub. L. 113-291, div. A, title X, §1071(k), Dec. 19, 2014, 128 Stat. 3512.

Pub. L. 113-66, div. A, title X, §1091(f), Dec. 26, 2013, 127 Stat. 877.

Pub. L. 112-239, div. A, title X, §1076(m), Jan. 2, 2013, 126 Stat. 1956.

Pub. L. 109-364, div. A, title X, §1071(i), Oct. 17, 2006, 120 Stat. 2403.

Pub. L. 107-107, div. A, title X, §1048(j), Dec. 28, 2001, 115 Stat. 1230.

Pub. L. 106-398, §1 [[div. A], title X, §1087(h)], Oct. 30, 2000, 114 Stat. 1654, 1654A-294.

Pub. L. 106-65, div. A, title X, §1066(e), Oct. 5, 1999, 113 Stat. 773.

Pub. L. 105-261, div. A, title X, §1069(e), Oct. 17, 1998, 112 Stat. 2137.

Pub. L. 105-85, div. A, title X, §1073(i), Nov. 18, 1997, 111 Stat. 1907.

Pub. L. 104-201, div. A, title X, §1074(e), Sept. 23, 1996, 110 Stat. 2661.

Pub. L. 104-106, div. A, title XV, §1506, Feb. 10, 1996, 110 Stat. 515.

Pub. L. 103-337, div. A, title X, §1070(h), Oct. 5, 1994, 108 Stat. 2859.

Pub. L. 103-160, div. A, title XI, §1182(h), Nov. 30, 1993, 107 Stat. 1774.

Pub. L. 102-484, div. A, title X, §1055, Oct. 23, 1992, 106 Stat. 2503.

CONGRESSIONAL DEFENSE COMMITTEES DEFINED

The following provisions provided that the term “congressional defense committees” for purposes of the Acts in which they were contained has the meaning given that term in subsec. (a)(16) of this section:

Pub. L. 114-328, §3, Dec. 23, 2016, 130 Stat. 2025.

Pub. L. 114-92, §3, Nov. 25, 2015, 129 Stat. 745.

Pub. L. 113-291, §3, Dec. 19, 2014, 128 Stat. 3312.

Pub. L. 113-66, §3, Dec. 26, 2013, 127 Stat. 689.

Pub. L. 112-239, §3, Jan. 2, 2013, 126 Stat. 1652.

Pub. L. 112-81, §3, Dec. 31, 2011, 125 Stat. 1316.

Pub. L. 111-383, §3, Jan. 7, 2011, 124 Stat. 4151.

Pub. L. 111-84, §3, Oct. 28, 2009, 123 Stat. 2208.

Pub. L. 110-417, §3, Oct. 14, 2008, 122 Stat. 4372.

Pub. L. 110-181, §3, Jan. 28, 2007, 122 Stat. 23.

Pub. L. 109-364, §3, Oct. 17, 2006, 120 Stat. 2100.

Pub. L. 109-163, §3, Jan. 6, 2006, 119 Stat. 3152.

Pub. L. 108-375, §3, Oct. 28, 2004, 118 Stat. 1825.

Pub. L. 109-148, div. A, title VIII, §8028, Dec. 30, 2005, 119 Stat. 2704, provided that for purposes of Pub. L. 109-148 the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the

Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives and, for any matter pertaining to basic allowance for housing, facilities sustaiment, restoration and modernization, environmental restoration and the Defense Health Program, “congressional defense committees” also means the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies [subcommittee jurisdiction now in Subcommittee on Military Construction, Veterans Affairs, and Related Agencies and Subcommittee on Defense] of the Committee on Appropriations of the House of Representatives.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives:

Pub. L. 111-118, div. A, title VIII, §8028, Dec. 19, 2009, 123 Stat. 3434.

Pub. L. 110-329, div. C, title VIII, §8028, Sept. 30, 2008, 122 Stat. 3627 (definition applies to div. C only).

Pub. L. 110-116, div. A, title VIII, §8027, Nov. 13, 2007, 121 Stat. 1320.

Pub. L. 109-289, div. A, title VIII, §8025, Sept. 29, 2006, 120 Stat. 1279.

Pub. L. 108-287, title VIII, §8030, Aug. 5, 2004, 118 Stat. 977.

Pub. L. 108-87, title VIII, §8031, Sept. 30, 2003, 117 Stat. 1079.

Pub. L. 107-248, title VIII, §8031, Oct. 23, 2002, 116 Stat. 1543.

Pub. L. 107-117, div. A, title VIII, §8034, Jan. 10, 2002, 115 Stat. 2255.

Pub. L. 106-259, title VIII, §8034, Aug. 9, 2000, 114 Stat. 682.

Pub. L. 106-79, title VIII, §8036, Oct. 25, 1999, 113 Stat. 1239.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives:

Pub. L. 108-136, §3, Nov. 24, 2003, 117 Stat. 1406.

Pub. L. 107-314, §3, Dec. 2, 2002, 116 Stat. 2471.

Pub. L. 107-107, §3, Dec. 28, 2001, 115 Stat. 1027.

Pub. L. 106-398, §1 [§3], Oct. 30, 2000, 114 Stat. 1654, 1654A-19.

Pub. L. 106-65, §3, Oct. 5, 1999, 113 Stat. 529.

Pub. L. 103-337, §3, Oct. 5, 1994, 108 Stat. 2678.

Pub. L. 103-160, §3, Nov. 30, 1993, 107 Stat. 1562.

Pub. L. 102-484, §3, Oct. 23, 1992, 106 Stat. 2331.

Pub. L. 102-190, §3, Dec. 5, 1991, 105 Stat. 1301.

Pub. L. 102-25, §3(4), Apr. 6, 1991, 105 Stat. 77.

Pub. L. 101-510, §3, Nov. 5, 1990, 104 Stat. 1498.

Pub. L. 101-189, §4, Nov. 29, 1989, 103 Stat. 1364.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives:

Pub. L. 105-262, title VIII, §8036, Oct. 17, 1998, 112 Stat. 2305.

Pub. L. 105-56, title VIII, §8038, Oct. 8, 1997, 111 Stat. 1229.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8040], Sept. 30, 1996, 110 Stat. 3009-71, 3009-97.

Pub. L. 104-61, title VIII, §8049, Dec. 1, 1995, 109 Stat. 661.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives:

- Pub. L. 105-261, §3, Oct. 17, 1998, 112 Stat. 1935.
- Pub. L. 105-85, §3, Nov. 18, 1997, 111 Stat. 1645.
- Pub. L. 104-201, §3, Sept. 23, 1996, 110 Stat. 2439.
- Pub. L. 104-106, §3, Feb. 10, 1996, 110 Stat. 204.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives:

- Pub. L. 103-335, title VIII, §8056, Sept. 30, 1994, 108 Stat. 2631.
- Pub. L. 103-139, title VIII, §8067, Nov. 11, 1993, 107 Stat. 1455.
- Pub. L. 102-172, title VIII, §8116, Nov. 26, 1991, 105 Stat. 1203.

DEFINITIONS FOR PURPOSES OF PUB. L. 102-25

Pub. L. 102-25, §3, Apr. 6, 1991, 105 Stat. 77, as amended by Pub. L. 102-190, div. A, title XII, §1203(a), Dec. 5, 1991, 105 Stat. 1508, provided that: “For the purposes of this Act [see Short Title of 1991 Amendment note above]:

“(1) The term ‘Operation Desert Storm’ means operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq (including operations known as Operation Desert Shield, Operation Desert Storm, and Operation Provide Comfort).

“(2) The term ‘incremental costs associated with Operation Desert Storm’ means costs referred to in [former] section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 ([former] 2 U.S.C. 901(b)(2)(D)(ii)).

“(3) The term ‘Persian Gulf conflict’ means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

“(4) The term ‘congressional defense committees’ has the meaning given that term in section 3 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1498).”

CHAPTER 2—DEPARTMENT OF DEFENSE

Sec.	
111.	Executive department.
112.	Department of Defense: seal.
113.	Secretary of Defense.
113a.	Transmission of annual defense authorization request.
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[114a.	Renumbered.]
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AMENDMENTS

2016—Pub. L. 114-328, div. A, title IX, §941(b)(2), title X, §1062(b), title XI, §1102(b), Dec. 23, 2016, 130 Stat.

2367, 2408, 2444, added item 119a and struck out items 115b “Biennial strategic workforce plan” and 118 “Defense strategy review”.

2015—Pub. L. 114-92, div. A, title X, §1081(b)(3), Nov. 25, 2015, 129 Stat. 1001, amended directory language of Pub. L. 113-291, §1072(a)(2). See 2014 Amendment note below.

2014—Pub. L. 113-291, div. A, title X, §1072(b)(2), Dec. 19, 2014, 128 Stat. 3517, struck out item 118b “Quadrennial roles and missions review”.

Pub. L. 113-291, div. A, title X, §1072(a)(2), Dec. 19, 2014, 128 Stat. 3516, as amended by Pub. L. 114-92, div. A, title X, §1081(b)(3), Nov. 25, 2015, 129 Stat. 1001, substituted “Defense Strategy Review” for “Quadrennial defense review” in item 118.

2011—Pub. L. 112-81, div. A, title IX, §935(a)(2), Dec. 31, 2011, 125 Stat. 1545, substituted “Biennial strategic workforce plan” for “Annual strategic workforce plan” in item 115b.

2009—Pub. L. 111-84, div. A, title XI, §§1108(a)(2), 1109(b)(2)(B)(ii), Oct. 28, 2009, 123 Stat. 2491, 2493, amended item 115a generally, substituting “Annual defense manpower requirements report” for “Annual manpower requirements report”, and added item 115b.

2008—Pub. L. 110-417, [div. A], title X, §1061(a)(1), Oct. 14, 2008, 122 Stat. 4612, added item 118b.

2002—Pub. L. 107-314, div. A, title V, §581(a)(2), title X, §1061(b), Dec. 2, 2002, 116 Stat. 2561, 2649, added items 113a and 118a.

1999—Pub. L. 106-65, div. A, title IX, §901(a)(2), Oct. 5, 1999, 113 Stat. 717, added item 118.

1998—Pub. L. 105-261, div. A, title III, §373(a)(2), Oct. 17, 1998, 112 Stat. 1992, added item 117.

1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(1), Oct. 5, 1994, 108 Stat. 3013, struck out item 115b “Annual report on National Guard and reserve component equipment”.

1992—Pub. L. 102-484, div. A, title X, §1002(d)(1), Oct. 23, 1992, 106 Stat. 2480, struck out item 114a “Multiyear Defense Program: submission to Congress; consistency in budgeting”.

1990—Pub. L. 101-510, div. A, title XIV, §1402(a)(3)(B), Nov. 5, 1990, 104 Stat. 1674, which directed amendment of item 114a by substituting “Multiyear” for “Five-year”, was executed by substituting “Multiyear” for “Five-Year” as the probable intent of Congress.

Pub. L. 101-510, div. A, title XIII, §1331(1), title XIV, §1483(c)(1), Nov. 5, 1990, 104 Stat. 1673, 1715, substituted “Personnel strengths: requirement for annual authorization” for “Annual authorization of personnel strengths; annual manpower requirements report” in item 115, added items 115a and 115b, and struck out items 117 “Annual report on North Atlantic Treaty Organization readiness” and 118 “Sale or transfer of defense articles: reports to Congress”.

1989—Pub. L. 101-189, div. A, title XVI, §1602(a)(2), Nov. 29, 1989, 103 Stat. 1597, added item 114a.

1987—Pub. L. 100-180, div. A, title XI, §1132(a)(2), Dec. 4, 1987, 101 Stat. 1152, added item 119.

1986—Pub. L. 99-433, title I, §101(a)(1), Oct. 1, 1986, 100 Stat. 994, added chapter heading and analysis of sections for chapter 2, consisting of items 111 to 118.

§ 111. Executive department

(a) The Department of Defense is an executive department of the United States.

(b) The Department is composed of the following:

- (1) The Office of the Secretary of Defense.
- (2) The Joint Chiefs of Staff.
- (3) The Joint Staff.
- (4) The Defense Agencies.
- (5) Department of Defense Field Activities.
- (6) The Department of the Army.
- (7) The Department of the Navy.
- (8) The Department of the Air Force.
- (9) The unified and specified combatant commands.