

- Sec.
1038. Service credit: certain service in Women's Army Auxiliary Corps.
1039. Crediting of minority service.
1040. Transportation of dependent patients.
1041. Replacement of certificate of discharge.
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1044. Legal assistance.
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1044e. Special Victims' Counsel for victims of sex-related offenses.
1045. Voluntary withholding of State income tax from retired or retainer pay.
1046. Overseas temporary foster care program.
1047. Allowance for civilian clothing.
1048. Gratuity payment to persons discharged for fraudulent enlistment.
1049. Subsistence: miscellaneous persons.
[1050 to 1051c. Repealed or Renumbered.]
1052. Adoption expenses: reimbursement.
1053. Financial institution charges incurred because of Government error in direct deposit of pay: reimbursement.
[1053a. Repealed.]
1054. Defense of certain suits arising out of legal malpractice.
1055. Waiver of security deposits for members renting private housing; authority to indemnify landlord.
1056. Relocation assistance programs.
1056a. Reintegration of recovered Department of Defense personnel; post-isolation support activities for other recovered personnel.
1057. Use of armed forces insignia on State license plates.
1058. Responsibilities of military law enforcement officials at scenes of domestic violence.
1059. Dependents of members separated for dependent abuse: transitional compensation; commissary and exchange benefits.
1060. Military service of retired members with newly democratic nations: consent of Congress.
1060a. Special supplemental food program.
1060b. Military ID cards: dependents and survivors of retirees.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title XII, §§ 1241(o)(4), 1243(b)(2), 1253(a)(2)(B), Dec. 23, 2016, 130 Stat. 2512, 2516, 2532, struck out items 1050 "Latin American cooperation: payment of personnel expenses", 1050a "African cooperation: payment of personnel expenses", 1051 "Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses", 1051a "Liaison officers of certain foreign nations; administrative services and support; travel, subsistence, medical care, and other personal expenses", 1051b "Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance", and 1051c "Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security".

2013—Pub. L. 113-66, div. A, title VI, § 621(a)(2)(B), (c)(2)(B), title XVII, § 1716(a)(2), Dec. 26, 2013, 127 Stat. 783, 784, 969, added item 1044e and struck out items 1036 "Escorts for dependents of members: transportation and travel allowances" and 1053a "Expenses incurred in connection with leave canceled due to contingency operations: reimbursement".

2011—Pub. L. 112-81, div. A, title V, § 588(b), title IX, § 951(a)(2), Dec. 31, 2011, 125 Stat. 1437, 1549, added items 1051c and 1056a.

Pub. L. 111-383, div. A, title XII, § 1204(b), Jan. 7, 2011, 124 Stat. 4387, added item 1050a.

2008—Pub. L. 110-417, [div. A], title XII, § 1231(c)(2), Oct. 14, 2008, 122 Stat. 4637, added item 1051 and struck out former item 1051 "Bilateral or regional cooperation programs: payment of personnel expenses".

Pub. L. 110-181, div. A, title VI, § 671(b)(2), title XII, § 1203(e)(2), Jan. 28, 2008, 122 Stat. 184, 365, added items 1030 and 1051a and struck out former item 1051a "Coalition liaison officers: administrative services and support; travel, subsistence, and other personal expenses".

2006—Pub. L. 109-364, div. A, title V, § 598(b)(2), Oct. 17, 2006, 120 Stat. 2237, struck out "": issuance of permanent ID card after attaining 75 years of age" after "retirees" in item 1060b.

2004—Pub. L. 108-375, div. A, title V, § 583(a)(2), Oct. 28, 2004, 118 Stat. 1929, added item 1060b.

2003—Pub. L. 108-136, div. A, title XII, § 1222(b), Nov. 24, 2003, 117 Stat. 1652, added item 1051b.

2002—Pub. L. 107-314, div. A, title XII, § 1201(a)(2), Dec. 2, 2002, 116 Stat. 2663, added item 1051a.

2000—Pub. L. 106-398, § 1 [div. A], title V, §§ 551(b), 579(c)(3), Oct. 30, 2000, 114 Stat. 1654, 1654A-125, 1654A-142, added items 1044d, 1052, 1053, and 1053a, and struck out former items 1052 "Reimbursement for adoption expenses" and 1053 "Reimbursement for financial institution charges incurred because of Government error in direct deposit of pay".

1997—Pub. L. 105-85, div. A, title V, § 593(a)(2), Nov. 18, 1997, 111 Stat. 1763, added item 1033.

1996—Pub. L. 104-106, div. A, title VII, § 749(a)(2), Feb. 10, 1996, 110 Stat. 389, added item 1044c.

Pub. L. 104-106, div. A, title XV, § 1504(a)(2), Feb. 10, 1996, 110 Stat. 513, made technical correction to Pub. L. 103-337, § 531(g)(2). See 1994 Amendment note below.

1994—Pub. L. 103-337, div. A, title V, § 531(g)(2), Oct. 5, 1994, 108 Stat. 2758, as amended by Pub. L. 104-106, div. A, title XV, § 1504(a)(2), Feb. 10, 1996, 110 Stat. 513, substituted "Protected communications;" for "Communicating with a Member of Congress or Inspector General;" in item 1034.

Pub. L. 103-337, div. A, title V, § 535(c)(2), title VI, § 653(b), title X, § 1070(a)(5)(B), (6)(B), title XVI, § 1671(b)(9), Oct. 5, 1994, 108 Stat. 2763, 2795, 2855, 3013, struck out item 1033 "Compensation: Reserve on active duty accepting from any person", redesignated item 1058 "Dependents of members separated for dependent abuse: transitional compensation" as item 1059 and amended it generally, redesignated item 1058 "Military service of retired members with newly democratic nations: consent of Congress" as item 1060, and added item 1060a.

Pub. L. 103-337, div. A, title X, § 1070(b)(4), Oct. 5, 1994, 108 Stat. 2856, made technical correction to Pub. L. 103-160, § 554(a)(2). See 1993 Amendment note below.

1993—Pub. L. 103-160, div. A, title V, §§ 551(a)(2), 574(b), title XIV, § 1433(b)(2), Nov. 30, 1993, 107 Stat. 1662, 1675, 1834, added item 1044b and items 1058 "Responsibilities of military law enforcement officials at scenes of domestic violence" and 1058 "Military service of retired members with newly democratic nations: consent of Congress".

Pub. L. 103-160, div. A, title V, § 554(a)(2), Nov. 30, 1993, 107 Stat. 1666, as amended by Pub. L. 103-337, div. A, title X, § 1070(b)(4), Oct. 5, 1994, 108 Stat. 2856, added item 1058 "Dependents of members separated for dependent abuse: transitional compensation".

1992—Pub. L. 102-484, div. A, title VI, § 651(b), title X, § 1080(b), Oct. 23, 1992, 106 Stat. 2426, 2514, added items 1046 and 1057.

1991—Pub. L. 102-190, div. A, title VI, § 651(a)(2), Dec. 5, 1991, 105 Stat. 1386, added item 1052.

Pub. L. 102-25, title VII, § 701(e)(8)(B), Apr. 6, 1991, 105 Stat. 115, struck out "mandatory" after "error in" in item 1053.

1990—Pub. L. 101-510, div. A, title V, §§ 502(b)(2), 551(a)(2), title XIV, § 1481(c)(2), Nov. 5, 1990, 104 Stat.

1557, 1566, 1705, added items 1044a and 1056 and struck out item 1046 “Preseparation counseling requirement”.

1989—Pub. L. 101-189, div. A, title VI, §664(a)(3)(B), Nov. 29, 1989, 103 Stat. 1466, substituted “Reimbursement for financial institution charges incurred because of Government” for “Relief for expenses because of” in item 1053.

1988—Pub. L. 100-456, div. A, title VI, §621(a)(2), title VIII, §846(a)(2), Sept. 29, 1988, 102 Stat. 1983, 2030, substituted “Communicating with a Member of Congress or Inspector General; prohibition of retaliatory personnel actions” for “Communicating with a Member of Congress” in item 1034 and added item 1055.

Pub. L. 100-370, §1(c)(2)(B), July 19, 1988, 102 Stat. 841, struck out item 1052 “Period for use of commissary stores; eligibility attributable to active duty for training”.

1987—Pub. L. 100-26, §7(e)(1)(B), Apr. 21, 1987, 101 Stat. 281, added item 1032 and struck out second item 1051 “Disability and death compensation: dependents of members held as captives”.

1986—Pub. L. 99-661, div. A, title VI, §§656(a)(2), 662(a)(2), title XIII, §§1322(b), 1356(a)(2), Nov. 14, 1986, 100 Stat. 3891, 3894, 3989, 3998, added item 1051 “Bilateral or regional cooperation programs: payment of personnel expenses” and items 1052 to 1054.

Pub. L. 99-399, title VIII, §806(b)(2), Aug. 27, 1986, 100 Stat. 886, added item 1051 “Disability and death compensation: dependents of members held as captives”.

1985—Pub. L. 99-145, title XIII, §1303(a)(6), Nov. 8, 1985, 99 Stat. 739, substituted “Atmospheric” for “Atomospheric” in item 1043.

1984—Pub. L. 98-525, title VI, §§651(b), 654(b), title VII, §708(a)(2), title XIV, §§1401(d)(2), 1405(19)(B)(ii), Oct. 19, 1984, 98 Stat. 2549, 2552, 2572, 2616, 2623, added items 1044 to 1050 and substituted “Member” for “member” in item 1034.

1983—Pub. L. 98-94, title X, §1007(b)(2), Sept. 24, 1983, 97 Stat. 662, added item 1043.

1982—Pub. L. 97-258, §2(b)(2)(A), Sept. 13, 1982, 96 Stat. 1052, added item 1042.

1980—Pub. L. 96-513, title V, §511(33)(B), Dec. 12, 1980, 94 Stat. 2922, redesignated item 1040 as added by Pub. L. 90-285 as item 1041.

1977—Pub. L. 95-105, title V, §509(d)(2), Aug. 17, 1977, 91 Stat. 860, struck out item 1032 “Dual capacity: Reserve accepting employment with foreign government or concern”.

1968—Pub. L. 90-235, §7(a)(2)(B), Jan. 2, 1968, 81 Stat. 763, added item 1040: “Replacement of certificate of discharge”. Another item 1040: “Transportation of dependent patients”, was added by Pub. L. 89-140, §1(2), Aug. 28, 1965, 79 Stat. 579.

1966—Pub. L. 89-538, §1(2), Aug. 14, 1966, 80 Stat. 347, substituted “Deposits of savings” for “Enlisted members’ deposits” in item 1035.

1965—Pub. L. 89-140, §1(2), Aug. 28, 1965, 79 Stat. 579, added item 1040 “Transportation of dependent patients”.

Pub. L. 89-132, §9(b), Aug. 21, 1965, 79 Stat. 548, added item 1040 “Free postage from combat zone” which was repealed by Pub. L. 89-315, §3(b), Nov. 1, 1965, 79 Stat. 1165.

1961—Pub. L. 87-165, §1(2), Aug. 25, 1961, 75 Stat. 401, added item 1039.

1959—Pub. L. 86-160, §1(2), Aug. 14, 1959, 73 Stat. 358, added item 1036.

Pub. L. 86-142, §1(2), Aug. 7, 1959, 73 Stat. 289, added item 1038.

1958—Pub. L. 85-861, §1(24)(B), Sept. 2, 1958, 72 Stat. 1445, added item 1037.

ACCESS TO WIRELESS HIGH-SPEED INTERNET AND NETWORK CONNECTIONS FOR CERTAIN MEMBERS OF THE ARMED FORCES

Pub. L. 114-328, div. A, title III, §347, Dec. 23, 2016, 130 Stat. 2086, provided that:

“(a) IN GENERAL.—In providing members of the Armed Forces with access to high-speed wireless Internet and network connections at military installations

outside the United States, the Secretary of Defense may provide such access without charge to the members and their dependents.

“(b) CONTRACT AUTHORITY.—The Secretary may enter into contracts for the purpose of carrying out subsection (a).”

PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS

Pub. L. 112-239, div. A, title V, §533, Jan. 2, 2013, 126 Stat. 1727, as amended by Pub. L. 113-66, div. A, title V, §532(a), Dec. 26, 2013, 127 Stat. 759, provided that:

“(a) PROTECTION OF RIGHTS OF CONSCIENCE.—

“(1) ACCOMMODATION.—Unless it could have an adverse impact on military readiness, unit cohesion, and good order and discipline, the Armed Forces shall accommodate individual expressions of belief of a member of the armed forces reflecting the sincerely held conscience, moral principles, or religious beliefs of the member and, in so far as practicable, may not use such expression of belief as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

“(2) DISCIPLINARY OR ADMINISTRATIVE ACTION.—Nothing in paragraph (1) precludes disciplinary or administrative action for conduct that is proscribed by chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), including actions and speech that threaten good order and discipline.

“(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS.—No member of the Armed Forces may—

“(1) require a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain; or

“(2) discriminate or take any adverse personnel action against a chaplain, including denial of promotion, schooling, training, or assignment, on the basis of the refusal by the chaplain to comply with a requirement prohibited by paragraph (1).

“(c) REGULATIONS.—The Secretary of Defense shall issue regulations implementing the protections afforded by this section.”

[Pub. L. 113-66, div. A, title V, §532(b), Dec. 26, 2013, 127 Stat. 759, provided that: “Not later than 90 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense shall prescribe the implementing regulations required by subsection (c) of such section [section 533 of Pub. L. 112-239, set out above]. In prescribing such regulations, the Secretary shall consult with the official military faith-group representatives who endorse military chaplains.”]

FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES

Pub. L. 112-81, div. A, title V, §544, Dec. 31, 2011, 125 Stat. 1412, provided that: “A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.”

PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Pub. L. 111-383, div. A, title X, §1062, Jan. 7, 2011, 124 Stat. 4363, as amended by Pub. L. 112-239, div. A, title X, §1057, Jan. 2, 2013, 126 Stat. 1938, provided that:

“(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense shall not prohibit, issue any requirement relating to, or collect or record any information relating to the otherwise lawful acquisition, possession, ownership, carrying, or other use of a privately owned firearm, privately owned ammunition, or another privately owned weapon by a member of the Armed Forces or civilian employee of the Department of Defense on property that is not—

“(1) a military installation; or

“(2) any other property that is owned or operated by the Department of Defense.

“(b) EXISTING REGULATIONS AND RECORDS.—

“(1) REGULATIONS.—Any regulation promulgated before the date of enactment of this Act [Jan. 7, 2011] shall have no force or effect to the extent that it requires conduct prohibited by this section.

“(2) RECORDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall destroy any record containing information described in subsection (a) that was collected before the date of enactment of this Act.

“(c) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to limit the authority of the Secretary of Defense to—

“(1) create or maintain records relating to, or regulate the possession, carrying, or other use of a firearm, ammunition, or other weapon by a member of the Armed Forces or civilian employee of the Department of Defense while—

“(A) engaged in official duties on behalf of the Department of Defense; or

“(B) wearing the uniform of an Armed Force;

“(2) create or maintain records relating to an investigation, prosecution, or adjudication of an alleged violation of law (including regulations not prohibited under subsection (a)), including matters related to whether a member of the Armed Forces constitutes a threat to the member or others; or

“(3) authorize a health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such health professional or such commanding officer has reasonable grounds to believe such member is at risk for suicide or causing harm to others.

“(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall—

“(1) conduct a comprehensive review of the privately owned weapons policy of the Department of Defense, including legal and policy issues regarding the regulation of privately owned firearms off of a military installation, as recommended by the Department of Defense Independent Review Related to Fort Hood; and

“(2) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report regarding the findings of and recommendations relating to the review conducted under paragraph (1), including any recommendations for adjustments to the requirements under this section.

“(e) MILITARY INSTALLATION DEFINED.—In this section, the term ‘military installation’ has the meaning given that term under section 2687(e)(1) [now 2687(g)(1)] of title 10, United States Code.”

DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT

Pub. L. 108-136, div. A, title III, § 344, Nov. 24, 2003, 117 Stat. 1448, as amended by Pub. L. 108-375, div. A, title III, § 341, Oct. 28, 2004, 118 Stat. 1857; Pub. L. 109-163, div. A, title III, § 375, Jan. 6, 2006, 119 Stat. 3213; Pub. L. 109-364, div. A, title III, § 355(a)-(c), Oct. 17, 2006, 120 Stat. 2162, 2163; Pub. L. 111-383, div. A, title X, § 1075(g)(3), Jan. 7, 2011, 124 Stat. 4376, provided that:

“(a) PROVISION OF BENEFIT.—(1) The Secretary of Defense shall provide, wherever practicable, prepaid phone cards, packet based telephony service, or an equivalent telecommunications benefit which includes access to telephone service, to members of the Armed Forces stationed outside the United States who (as determined by the Secretary) are eligible for combat zone tax exclusion benefits due to their service in direct support of a contingency operation to enable those members to make telephone calls without cost to the member.

“(2) As soon as possible after the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007 [Oct. 17, 2006], the Secretary shall provide, wherever practicable, prepaid phone cards, packet based telephony service, or an equivalent telecommunications benefit which includes access to telephone service to members of the Armed Forces who, although are no longer directly supporting a contingency operation, are hospitalized as a result of wounds or other injuries incurred while serving in direct support of a contingency operation.

“(b) MONTHLY BENEFIT.—The value of the benefit provided under subsection (a) to any member in any month, to the extent the benefit is provided from amounts available to the Department of Defense, may not exceed—

“(1) \$40; or

“(2) 120 calling minutes, if the cost to the Department of Defense of providing such number of calling minutes is less than the amount specified in paragraph (1).

“(c) TERMINATION OF BENEFIT.—The authority to provide a benefit under subsection (a)(1) to a member directly supporting a contingency operation shall terminate on the date that is 60 days after the date on which the Secretary determines that the contingency operation has ended.

“(d) FUNDING.—(1)(A) In carrying out the program under this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, free or reduced-cost services of private sector entities, and programs to enhance morale and welfare.

“(B) The Secretary may not award a contract to a commercial firm for the purposes of subparagraph (A) other than through the use of competitive procedures.

“(2) The Secretary may accept gifts and donations in order to defray the costs of the program under this section. Such gifts and donations may be accepted from—

“(A) any foreign government;

“(B) any foundation or other charitable organization, including any that is organized or operates under the laws of a foreign country; and

“(C) any source in the private sector of the United States or a foreign country.

“(e) DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT OR INTERNET ACCESS.—If the Secretary of Defense determines that, in order to implement this section as quickly as practicable, it is necessary to provide additional telephones or Internet service in any area to facilitate telephone or packet based telephony calling for which benefits are provided under this section, the Secretary may, consistent with the availability of resources, award competitively bid contracts to one or more commercial entities for the provision and installation of telephones or Internet access in that area.

“(f) NO COMPROMISE OF MILITARY MISSION.—The Secretary of Defense should not take any action under this section that would compromise the military objectives or mission of the Department of Defense.

“(g) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code. The term includes Operation Iraqi Freedom and Operation Enduring Freedom.”

§ 1030. Bonus to encourage Department of Defense personnel to refer persons for appointment as officers to serve in health professions

(a) AUTHORITY TO PAY BONUS.—

(1) AUTHORITY.—The Secretary of Defense may authorize the appropriate Secretary to pay a bonus under this section to an individual referred to in paragraph (2) who refers to a military recruiter a person who has not previously served in an armed force and, after such referral, takes an oath of enlistment that