

Subsec. (a)(6). Pub. L. 114-328, §952(c)(5)(A)(i), substituted “Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman” for “Chiefs of the Services”.

Subsec. (a)(7), (8). Pub. L. 114-328, §952(c)(5)(A)(ii), (iii), redesignated par. (8) as (7) and struck out former par. (7) which read as follows: “Chief of the National Guard Bureau.”

Subsec. (b)(1). Pub. L. 114-328, §952(c)(4)(A), (5)(B), in introductory provisions, substituted “armed forces” for “Armed Forces” and “through (7)” for “through (8)”.

Subsec. (b)(2)(A). Pub. L. 114-328, §952(c)(6), struck out “, military member,” after “official” and inserted “or member of the armed forces” after “of the Department of Defense”.

Subsec. (c). Pub. L. 114-328, §952(c)(4)(B), substituted “section, the terms ‘qualified members of the armed forces’ and” for “section:

“(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ‘congressional defense committees’ means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

“(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms ‘qualified members of the Armed Forces’ and”; redesignated subpars. (A) to (E) of former par. (2) as pars. (1) to (5), respectively, of subsec. (c); and realigned margins.

Subsec. (d)(1). Pub. L. 114-328, §952(c)(4)(A), substituted “armed forces” for “Armed Forces”.

Subsec. (d)(2). Pub. L. 114-328, §952(c)(4)(C), struck out “, United States Code” after “title 18”.

[§ 715. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(g)(2), Oct. 5, 1994, 108 Stat. 2996]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 33, related to detail of members of regular and reserve components to assist those components. See section 12501 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

(Added Pub. L. 85-599, §11(2), Aug. 6, 1958, 72 Stat. 521; amended Pub. L. 91-392, §1, Sept. 1, 1970, 84 Stat. 834; Pub. L. 96-215, §2(a), Mar. 25, 1980, 94 Stat. 123; Pub. L. 97-295, §1(10), Oct. 12, 1982, 96 Stat. 1289; Pub. L. 98-94, title X, §1007(a)(1), Sept. 24, 1983, 97 Stat. 661; Pub. L. 99-348, title III, §304(a)(1), July 1, 1986, 100 Stat.

703; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

CODIFICATION

Another section 716 was renumbered section 717 of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1986—Subsec. (c). Pub. L. 99-348 struck out subsec. (c) which defined “uniformed service” for purposes of this section. See section 101(43) of this title.

1983—Pub. L. 98-94 amended section generally, substituting “transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service” for “transfers between armed forces and to and from National Oceanic and Atmospheric Administration” in section catchline and adding subsec. (c). Prior to amendment subsecs. (a) and (b) read as follows:

“(a) Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from his armed force or from the National Oceanic and Atmospheric Administration to, and appoint him in, another armed force or the National Oceanic and Atmospheric Administration. The Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Commerce shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

“(b) An officer transferred under this section—

“(1) may not be assigned precedence or relative rank higher than that which he held on the day before his transfer; and

“(2) shall be credited for retirement and pay purposes with the same years of service with which he has been credited on the day before his transfer.”

1982—Subsec. (a). Pub. L. 97-295 struck out the comma after “policies”.

1980—Pub. L. 96-215 inserted “and to and from National Oceanic and Atmospheric Administration” in section catchline, divided existing unlettered provisions into subsecs. (a) and (b)(1), inserted references to National Oceanic and Atmospheric Administration and to Secretary of Commerce in subsec. (a) as so redesignated, and added subsec. (b)(2).

1970—Pub. L. 91-392 substituted “armed forces” for “Army, Navy, Air Force, and Marine Corps” in section catchline and “his armed force”, “another armed force”, “An officer transferred under this section may not be assigned”, and “before his transfer” for “the Army, Navy, Air Force, or Marine Corps”, “any other of those armed forces”, “No officer transferred pursuant to this authority shall be assigned”, and “prior to such transfer” in text, respectively, and authorized interservice transfers of officers of the Coast Guard.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Secretary of Commerce by section 1(m) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

§ 717. Members of the armed forces: participation in international sports

(a) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in

the Navy, may permit members of the armed forces under his jurisdiction to train for, attend, and participate in any of the following sports competitions:

(1) The Pan-American Games and the Olympic Games, and qualifying events and preparatory competition for those games.

(2) The Paralympic Games, if eligible to participate in those games, and qualifying events and preparatory competition for those games.

(3) Any other international competition in amateur sports, if the Secretary of State determines that the interests of the United States will be served by participation in that competition, and qualifying events and preparatory competition for that competition.

(b) Subject to subsections (c) and (d), the Secretary of Defense or the Secretary of Homeland Security, as the case may be, may spend such funds, and acquire and use such supplies, as he determines to be necessary to provide for—

(1) the training of members of the armed forces for the competitions covered by subsection (a);

(2) their attendance at and participation in those competitions; and

(3) the training of animals of the armed forces for, and their attendance at and participation in, those competitions.

(c)(1) Not more than \$3,000,000, to be apportioned among the military departments as the Secretary of Defense prescribes, may be spent during each successive four-year period beginning on October 1, 1980, for the participation of members of the Army, Navy, Air Force, and Marine Corps in the competitions covered by subsection (a).

(2) Not more than \$100,000 may be spent during each successive four-year period beginning on October 1, 1980, for the participation of members of the Coast Guard in the competitions covered by subsection (a).

(d) Appropriations available to the Department of Defense or to the Department of Homeland Security, as the case may be, may be used to carry out this section.

(Added Pub. L. 85-861, §1(17), Sept. 2, 1958, 72 Stat. 1442, §716; renumbered §717, Pub. L. 87-651, title I, §103(a), Sept. 7, 1962, 76 Stat. 508; amended Pub. L. 89-348, §1(12), Nov. 8, 1965, 79 Stat. 1311; Pub. L. 89-718, §7, Nov. 2, 1966, 80 Stat. 1117; Pub. L. 96-513, title V, §511(22), Dec. 12, 1980, 94 Stat. 2921; Pub. L. 98-525, title XV, §1534, Oct. 19, 1984, 98 Stat. 2632; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-163, div. A, title V, §561, Jan. 6, 2006, 119 Stat. 3266.)

HISTORICAL AND REVISION NOTES
1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
716 [now 717].	22:1981. 22:1982. 22:1983.	Mar. 14, 1955, ch. 11 (less last 2 pars.), 69 Stat. 11.

In subsection (a), the first 27 words are substituted for section 1 of the source statute. The reference to the Second Pan-American Games, the Seventh Olympic Winter Games, and the Games of the XVI Olympiad are omitted as covered by clause (1) of the revised sub-

section. The words "subject to the limitation contained in subsection (b) herein" are omitted as covered by revised subsection (b). The words "any other" are substituted for the words "other * * * not specified in (1) above".

In subsection (b), the word "entry" is substituted for the word "commitment" for clarity. The words "or the Secretary of the Treasury, as the case may be" are inserted since, under subsection (a), the Secretary of the Treasury has the prescribed authority with respect to members of the Coast Guard when it is not operating as a service in the Navy.

In subsection (c), the words "materiel, and equipment" are omitted as covered by the word "supplies" as defined in section 101(26) of this title.

1962 ACT

This section corrects a duplication in numbering occasioned by the addition of a duplicate section 716 by Pub. L. 85-861. (The first section 716 was added by Pub. L. 85-599.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted "participate in any of the following sports competitions:

"(1) The Pan-American Games and the Olympic Games, and qualifying events and preparatory competition for those games.

"(2) The Paralympic Games, if eligible to participate in those games, and qualifying events and preparatory competition for those games.

"(3) Any other"

for "participate in—

"(1) Pan-American Games and Olympic Games and qualifying events and preparatory competition for those games; and

"(2) any other"

2002—Subsecs. (a), (b), (d). Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation".

1984—Subsec. (a)(1). Pub. L. 98-525, §1534(1), included qualifying events and preparatory competition.

Subsec. (a)(2). Pub. L. 98-525, §1534(2), included qualifying events and preparatory competition.

Subsec. (b). Pub. L. 98-525, §1534(3), struck out reference to subsec. (e).

Subsec. (c). Pub. L. 98-525, §1534(4), (6), designated existing provisions as par. (1), substituted "\$3,000,000" for "\$800,000" and "October 1, 1980" for "March 14, 1955", redesignated subsec. (d) as par. (2), and substituted "October 1, 1980" for "March 14, 1955".

Subsecs. (d), (e). Pub. L. 98-525, §1534(7), redesignated subsec. (e) as (d). Former subsec. (d) redesignated par. (2) of subsec. (c).

1980—Subsec. (a). Pub. L. 96-513, §511(22)(A), substituted "Transportation" for "the Treasury".

Subsec. (b). Pub. L. 96-513, §511(22), redesignated subsec. (c) as (b) and substituted reference to subsec. (c) for reference to subsec. (f), and "Transportation" for "the Treasury".

Subsecs. (c), (d). Pub. L. 96-513, §511(22)(C), redesignated subsecs. (d) and (e) as (c) and (d), respectively. Former subsec. (c) redesignated (b).

Subsecs. (e), (f). Pub. L. 96-513, §511(22) (A), (C), redesignated subsec. (f) as (e) and substituted "Transportation" for "the Treasury". Former subsection (e) redesignated (d).

1966—Subsec. (b). Pub. L. 89-718 repealed subsec. (b) which required the Secretary of Defense or the Secretary of the Treasury to report to the Committees on Armed Services of the Senate and House of Representatives the details of the proposed participation by members of the Armed Forces under his jurisdiction in international amateur sports competition. See also Pub. L. 89-348, §1(12), Nov. 8, 1965, 79 Stat. 1311, which earlier repealed the reporting requirement of subsec. (b).

1965—Subsec. (b). Pub. L. 89-348 repealed provision of subsec. (b) which required the Secretary of Defense or the Secretary of the Treasury, as the case may be, to

report to the Committees on the Armed Services of the Senate and House of Representatives the details of the proposed participation by members of the Armed Forces under his jurisdiction in international amateur sports competition.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

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.

§ 718. Repealed. Pub. L. 99-433, title I, § 110(a)(1), Oct. 1, 1986, 100 Stat. 1001

Section, added Pub. L. 87-651, title II, § 205(a), Sept. 7, 1962, 76 Stat. 519, provided that officers of the armed forces could be detailed for duty as assistants or personal aides to the Secretary of Defense.

§ 719. Department of Commerce: assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration

Upon the request of the Secretary of Commerce, the Secretary of a military department may assign or detail members of the armed forces under his jurisdiction for duty in the National Oceanic and Atmospheric Administration, Department of Commerce, with reimbursement from the Department of Commerce. Notwithstanding any other provision of law, a member so assigned or detailed may exercise the functions, and assume the title, of any position in that Administration without affecting his status as a member of an armed force, but he is not entitled to the compensation fixed for that position.

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

AMENDMENTS

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

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 720. Repealed. Pub. L. 114-328, div. A, title V, § 502(g)(1), Dec. 23, 2016, 130 Stat. 2103

Section, added Pub. L. 96-513, title V, § 501(9)(A), Dec. 12, 1980, 94 Stat. 2907, related to appointment of Chief of Staff to President.

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

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

§ 722. Repealed. Pub. L. 114-328, div. A, title V, § 502(h)(1), Dec. 23, 2016, 130 Stat. 2103

Section, added Pub. L. 109-364, div. A, title V, § 507(a)(1)(A), Oct. 17, 2006, 120 Stat. 2180, related to grade of Attending Physician to the Congress.

CHAPTER 43—RANK AND COMMAND

- Sec. 741. Rank: commissioned officers of the armed forces.
742. Rank: warrant officers.
743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps.
[744, 745. Repealed.]
747. Command: when different commands of Army, Navy, Air Force, Marine Corps, and Coast Guard join.
749. Command: commissioned officers in same grade or corresponding grades on duty at same place.
750. Command: retired officers.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title V, § 502(i)(2), Dec. 23, 2016, 130 Stat. 2103, struck out item 744 “Physician to White House: assignment; grade”.

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

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

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

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

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

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

§ 741. Rank: commissioned officers of the armed forces

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

Table with 2 columns: Army, Air Force, and Marine Corps; Navy and Coast Guard. Rows list ranks from General to Second lieutenant.

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

(c) Rank among officers of the Army, Navy, Air Force, and Marine Corps of the same grade