

## EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

**§ 980. Limitation on use of humans as experimental subjects**

(a) Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless—

(1) the informed consent of the subject is obtained in advance; or

(2) in the case of research intended to be beneficial to the subject, the informed consent of the subject or a legal representative of the subject is obtained in advance.

(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project may directly benefit the subject and is carried out in accordance with all other applicable laws.

(Added Pub. L. 98-525, title XIV, § 1401(c)(1), Oct. 19, 1984, 98 Stat. 2615; amended Pub. L. 107-107, div. A, title VII, § 733, Dec. 28, 2001, 115 Stat. 1170.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8029], Oct. 12, 1984, 98 Stat. 1904, 1929.

Pub. L. 98-212, title VII, § 734, Dec. 8, 1983, 97 Stat. 1444.

Pub. L. 97-377, title I, § 101(c) [title VII, § 737], Dec. 21, 1982, 96 Stat. 1833, 1857.

Pub. L. 97-114, title VII, § 738, Dec. 29, 1981, 95 Stat. 1585.

Pub. L. 96-527, title VII, § 739, Dec. 15, 1980, 94 Stat. 3088.

Pub. L. 96-154, title VII, § 741, Dec. 21, 1979, 93 Stat. 1159.

Pub. L. 95-457, title VIII, § 841, Oct. 13, 1978, 92 Stat. 1251.

Pub. L. 95-111, title VIII, § 840, Sept. 21, 1977, 91 Stat. 906.

Pub. L. 94-419, title VII, § 739, Sept. 22, 1976, 90 Stat. 1297.

Pub. L. 94-212, title VII, § 740, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93-437, title VIII, § 841, Oct. 8, 1974, 88 Stat. 1231.

Pub. L. 93-238, title VII, § 743, Jan. 2, 1974, 87 Stat. 1045.

Pub. L. 92-570, title VII, § 745, Oct. 26, 1972, 86 Stat. 1203.

## AMENDMENTS

2001—Pub. L. 107-107 designated existing provisions as subsec. (a) and added subsec. (b).

## EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

**§ 981. Limitation on number of enlisted aides**

(a) Subject to subsection (b), the total number of enlisted members that may be assigned or otherwise detailed to duty as enlisted aides on the personal staffs of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard (when

operating as a service of the Navy) during a fiscal year is the number equal to the sum of (1) four times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of general or admiral, and (2) two times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of lieutenant general or vice admiral.

(b) Not more than 300 enlisted members may be assigned to duty at any time as enlisted aides for officers of the Army, Navy, Air Force, and Marine Corps.

(c) Not later than March 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) specifying the number of enlisted aides authorized and allocated for general officers and flag officers of the Army, Navy, Air Force, Marine Corps, and joint pool as of September 30 of the previous year; and

(2) justifying, on a billet-by-billet basis, the authorization and assignment of each enlisted aide to each general officer and flag officer position.

(Added Pub. L. 98-525, title XIV, § 1401(c)(1), Oct. 19, 1984, 98 Stat. 2615; amended Pub. L. 113-291, div. A, title V, § 504(a), Dec. 19, 2014, 128 Stat. 3355.)

## PRIOR PROVISIONS

Provisions similar to those in subsec. (a) of this section were contained in Pub. L. 94-106, title VIII, § 820(a), Oct. 7, 1975, 89 Stat. 544, prior to repeal by Pub. L. 98-525, §§ 1403(c), 1404, eff. Oct. 1, 1985.

Provisions similar to those in subsec. (b) of this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8034], Oct. 12, 1984, 98 Stat. 1904, 1930.

Pub. L. 98-212, title VII, § 742, Dec. 8, 1983, 97 Stat. 1446.

Pub. L. 97-377, title I, § 101(c) [title VII, § 745], Dec. 21, 1982, 96 Stat. 1833, 1858.

Pub. L. 97-114, title VII, § 746, Dec. 29, 1981, 95 Stat. 1586.

Pub. L. 96-527, title VII, § 747, Dec. 15, 1980, 94 Stat. 3089.

Pub. L. 96-154, title VII, § 748, Dec. 21, 1979, 93 Stat. 1160.

Pub. L. 95-457, title VIII, § 848, Oct. 13, 1978, 92 Stat. 1252.

Pub. L. 95-111, title VIII, § 849, Sept. 21, 1977, 91 Stat. 908.

Pub. L. 94-419, title VII, § 748, Sept. 22, 1976, 90 Stat. 1299.

Pub. L. 94-212, title VII, § 745, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93-437, title VIII, § 848, Oct. 8, 1974, 88 Stat. 1232.

## AMENDMENTS

2014—Subsec. (c). Pub. L. 113-291 added subsec. (c).

## EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

## 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.

**§ 982. Members: service on State and local juries**

(a) A member of the armed forces on active duty may not be required to serve on a State or local jury if the Secretary concerned determines that such service—

(1) would unreasonably interfere with the performance of the member's military duties; or

(2) would adversely affect the readiness of the unit, command, or activity to which the member is assigned.

(b) A determination by the Secretary concerned under this section is conclusive.

(c) The Secretary concerned shall prescribe regulations for the administration of this section.

(d) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory of the United States.

(Added Pub. L. 99-661, div. A, title V, §502(a), Nov. 14, 1986, 100 Stat. 3863.)

**§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies**

(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654<sup>1</sup> of this title and other applicable Federal laws) at that institution (or any subelement of that institution); or

(2) a student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):

(A) Names, addresses, and telephone listings.

(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that—

(1) the institution (and each subelement of that institution) has ceased the policy or practice described in that subsection; or

(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

(d) COVERED FUNDS.—(1) Except as provided in paragraph (2), the limitations established in subsections (a) and (b) apply to the following:

(A) Any funds made available for the Department of Defense.

(B) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

(C) Any funds made available for the Department of Homeland Security.

(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

(E) Any funds made available for the Department of Transportation.

(F) Any funds made available for the Central Intelligence Agency.

(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.

(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

(1) shall transmit a notice of the determination to the Secretary of Education and to the head of each other department and agency the funds of which are subject to the determination; and

(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any subelement of that institution) for contracts and grants.

<sup>1</sup> See References in Text note below.