

of a special or incentive pay or bonus that was in force when the member commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(B)(i) Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active service as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active service.

(ii) Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37.

(D) Any service required of a member under an agreement covered by this paragraph after the member returns to active service as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (c).

(4)(A) Subject to subparagraph (B), a member who participates in a program is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37 for—

(i) travel performed from the residence of the member, at the time of release from active service to participate in the program, to the location in the United States designated by the member as his residence during the period of participation in the program; and

(ii) travel performed to the residence of the member upon return to active service at the end of the participation of the member in the program.

(B) An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(5) A member who participates in a program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of this title, but not to exceed 60 days.

(g) PROMOTION.—(1)(A) An officer participating in a program under this section shall not, while participating in the program, be eligible for con-

sideration for promotion under chapter 36 or 1405 of this title.

(B) Upon the return of an officer to active service after completion by the officer of participation in a program—

(i) the Secretary of the military department concerned shall adjust the date of rank of the officer in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) An enlisted member participating in a program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the inactivation of the member from active service under the program; and

(B) ends at such time after the return of the member to active service under the program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the program.

(h) CONTINUED ENTITLEMENTS.—A member participating in a program under this section shall, while participating in the program, be treated as a member of the armed forces on active duty for a period of more than 30 days for purposes of—

(1) the entitlement of the member and of the dependents of the member to medical and dental care under the provisions of chapter 55 of this title; and

(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of this title.

(Added Pub. L. 115-232, div. A, title V, §551(a), Aug. 13, 2018, 132 Stat. 1766.)

CHAPTER 41—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

Sec.	
711.	Senior members of Military Staff Committee of United Nations: appointment.
711a.	American National Red Cross: detail of commissioned officers.
712.	Foreign governments: detail to assist.
713.	State Department: assignment or detail as couriers and building inspectors.
[714.	Repealed.]
715.	Attending Physician to the Congress: grade ¹
716.	Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.
717.	Members of the armed forces: participation in international sports.
[718.	Repealed.]
719.	Department of Commerce: assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration.
[720 to 722.	Repealed.]
714. ²	Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.

¹ So in original. Probably should be followed by a period.

² See 2016 Amendment note below.

Sec.

AMENDMENTS

2018—Pub. L. 115–232, div. A, title V, § 508(b), Aug. 13, 2018, 132 Stat. 1749, added item 715.

2016—Pub. L. 114–328, div. A, title IX, § 952(c)(2), Dec. 23, 2016, 130 Stat. 2375, added item 714 at the end of this analysis.

Pub. L. 114–328, div. A, title V, § 502(g)(2), (h)(2), Dec. 23, 2016, 130 Stat. 2103, struck out items 720 “Chief of Staff to President: appointment” and 722 “Attending Physician to the Congress: grade”.

2009—Pub. L. 111–84, div. A, title V, § 502(i)(2), Oct. 28, 2009, 123 Stat. 2277, struck out item 721 “General and flag officers: limitation on appointments, assignments, details, and duties outside an officer’s own service”.

2006—Pub. L. 109–364, div. A, title V, § 507(a)(1)(B), Oct. 17, 2006, 120 Stat. 2180, added item 722.

2003—Pub. L. 108–136, div. A, title V, § 503(b), Nov. 24, 2003, 117 Stat. 1456, struck out item 714 “Defense attaché in France: required grade”.

1997—Pub. L. 105–85, div. A, title V, §§ 501(b), 597(b), Nov. 18, 1997, 111 Stat. 1724, 1766, added items 714 and 721.

1994—Pub. L. 103–337, div. A, title XVI, § 1671(b)(8), Oct. 5, 1994, 108 Stat. 3013, struck out item 715 “Reserve components: detail of members of regular and reserve components to assist”.

1986—Pub. L. 99–433, title I, § 110(a)(2), Oct. 1, 1986, 100 Stat. 1001, struck out item 718 “Secretary of Defense: detail of officers to assist”.

1983—Pub. L. 98–94, title X, § 1007(a)(2), Sept. 24, 1983, 97 Stat. 662, included reference to the Public Health Service in item 716.

1980—Pub. L. 96–513, title V, §§ 501(9)(B), 511(23)(C), Dec. 12, 1980, 94 Stat. 2908, 2922, substituted “assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration” for “assignment or detail to Environmental Science Services Administration” in item 719 and added item 720.

Pub. L. 96–215, § 2(b), Mar. 25, 1980, 94 Stat. 123, inserted “and to and from National Oceanic and Atmospheric Administration” after “between armed forces” in item 716.

1970—Pub. L. 91–392, § 2, Sept. 1, 1970, 84 Stat. 834, substituted “armed forces” for “Army, Navy, Air Force, and Marine Corps” in item 716.

1968—Pub. L. 90–235, § 4(a)(1)(B), Jan. 2, 1968, 81 Stat. 759, added item 711a.

1966—Pub. L. 89–683, § 1(2), Oct. 15, 1966, 80 Stat. 960, added item 719.

1962—Pub. L. 87–651, title I, § 103(b), title II, § 205(b), Sept. 7, 1962, 76 Stat. 508, 519, redesignated item 716, relating to participation of members of the armed forces in international sports, as 717, and added item 718.

1960—Pub. L. 86–533, § 1(5)(B), June 29, 1960, 74 Stat. 246, repealed item 714 “Reports to Congress on length of tours of duty outside United States by members of Army and Air Force”.

1958—Pub. L. 85–861, § 1(18), Sept. 2, 1958, 72 Stat. 1442, added item 716, relating to participation of members of the armed forces in international sports.

Pub. L. 85–599, § 11(1), Aug. 6, 1958, 72 Stat. 521, added item 716, relating to transfers of commissioned officers.

PILOT PROGRAM AUTHORITY TO ENHANCE
CYBERSECURITY AND RESILIENCY OF CRITICAL INFRA-
STRUCTURE

Pub. L. 115–232, div. A, title XVI, § 1650, Aug. 13, 2018, 132 Stat. 2138, provided that:

“(a) AUTHORITY.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, is authorized to provide, detail, or assign technical personnel to the Department of Homeland Security on a non-reimbursable basis to enhance cybersecurity cooperation, collaboration, and unity of Government efforts.

“(b) SCOPE OF ASSISTANCE.—The authority under subsection (a) shall be limited in any fiscal year to the provision of not more than 50 technical cybersecurity

personnel from the Department of Defense to the Department of Homeland Security, including the national cybersecurity and communications integration center (NCCIC) of the Department, or other locations as agreed upon by the Secretary of Defense and the Secretary of Homeland Security.

“(c) LIMITATION.—The authority under subsection (a) may not negatively impact the primary missions of the Department of Defense or the Department of Homeland Security.

“(d) ESTABLISHMENT OF PROCEDURES.—

“(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall establish procedures to carry out subsection (a), including procedures relating to the protection of and safeguards for maintenance of information held by the NCCIC regarding United States persons.

“(2) LIMITATION.—Nothing in this subsection may be construed as providing authority to the Secretary of Defense to establish procedures regarding the NCCIC with respect to any matter outside the scope of this section.

“(e) NO EFFECT ON OTHER AUTHORITY TO PROVIDE SUPPORT.—Nothing in this section may be construed to limit the authority of an Executive department, military department, or independent establishment to provide any appropriate support, including cybersecurity support, or to provide, detail, or assign personnel, under any other law, rule, or regulation.

“(f) DEFINITIONS.—In this section, each of the terms ‘Executive department’, ‘military department’, and ‘independent establishment’, has the meaning given each of such terms, respectively, in chapter 1 of title 5, United States Code.

“(g) TERMINATION OF AUTHORITY.—This section shall terminate on September 30, 2022.”

EXCHANGE PROGRAM FOR NUCLEAR WEAPONS PROGRAM
EMPLOYEES

Pub. L. 115–232, div. A, title XVI, § 1667, Aug. 13, 2018, 132 Stat. 2155, provided that:

“(a) PROGRAM AUTHORIZED.—The Chairman of the Nuclear Weapons Council established under section 179 of title 10, United States Code, and the Administrator for Nuclear Security, shall jointly establish an exchange program under which—

“(1) the Chairman shall arrange for the temporary assignment of civilian and military personnel working on nuclear weapons policy, production, and force structure issues in the Office of the Secretary of Defense, the Joint Staff, the Navy, or the Air Force to the Office of the Deputy Administrator for Defense Programs in the National Nuclear Security Administration; and

“(2) the Administrator shall arrange for the temporary assignment of civilian personnel working on programs related to nuclear weapons in the Office of the Deputy Administrator for Defense Programs to the elements of the Department of Defense specified in paragraph (1).

“(b) PURPOSES.—The purposes of the exchange program established under subsection (a) are—

“(1) to familiarize personnel from the Department of Defense and the National Nuclear Security Administration with the equities, priorities, processes, culture, and employees of the other agency;

“(2) for participants in the exchange program to return the expertise gained through their exchanges to their original agencies at the conclusion of their exchanges; and

“(3) to improve communication between and integration of the agencies that support the formation and oversight of nuclear weapons policy through lasting relationships across the chain of command.

“(c) PARTICIPANTS.—

“(1) NUMBER OF PARTICIPANTS.—The Chairman and the Administrator shall each select not fewer than five and not more than 10 participants per year for participation in the exchange program established under subsection (a). The Chairman and the Adminis-