

1998—Pub. L. 105-261, div. A, title V, § 569(b), Oct. 17, 1998, 112 Stat. 2032, struck out item 974 “Civilian employment: enlisted members”.

1997—Pub. L. 105-85, div. A, title X, § 1077(a)(2), Nov. 18, 1997, 111 Stat. 1915, added item 985.

1996—Pub. L. 104-201, div. A, title V, § 581(c)(3), Sept. 23, 1996, 110 Stat. 2538, struck out “enlisted” after “count” in item 971.

Pub. L. 104-106, div. A, title V, §§ 541(b), 561(c)(2), Feb. 10, 1996, 110 Stat. 316, 322, substituted “Members: effect of time lost” for “Enlisted members: required to make up time lost” in item 972 and added item 983.

1993—Pub. L. 103-160, div. A, title III, § 351(b), Nov. 30, 1993, 107 Stat. 1627, added item 977.

1989—Pub. L. 101-189, div. A, title XVI, § 1622(b)(3), Nov. 29, 1989, 103 Stat. 1604, struck out item 975 “Prohibition on the sale of certain defense articles from the stocks of the Department of Defense”.

1988—Pub. L. 100-456, div. A, title V, § 521(a)(2), Sept. 29, 1988, 102 Stat. 1973, substituted “Drug and alcohol abuse and dependency: testing of new entrants” for “Mandatory testing for drug, chemical, and alcohol abuse” in item 978.

1987—Pub. L. 100-180, div. A, title V, § 513(a)(2), Dec. 4, 1987, 101 Stat. 1091, substituted “Mandatory testing for drug, chemical, and alcohol abuse” for “Denial of entrance into the armed forces of persons dependent on drugs or alcohol” in item 978.

1986—Pub. L. 99-661, div. A, title V, § 502(b), Nov. 14, 1986, 100 Stat. 3864, added item 982.

1984—Pub. L. 98-525, title XIV, § 1401(c)(2), Oct. 19, 1984, 98 Stat. 2615, added items 979 to 981.

1982—Pub. L. 97-306, title IV, § 408(c)(2), Oct. 14, 1982, 96 Stat. 1446, struck out item 977 “Denial of certain benefits to persons who fail to complete at least two years of an original enlistment”.

Pub. L. 97-295, § 1(14)(B), Oct. 12, 1982, 96 Stat. 1290, added item 978.

1980—Pub. L. 96-513, title V, § 501(12), Dec. 12, 1980, 94 Stat. 2908, substituted “officers on active duty” for “Regular officers” in item 973.

Pub. L. 96-342, title X, § 1002(b), Sept. 8, 1980, 94 Stat. 1119, added item 977.

1979—Pub. L. 96-107, title VIII, § 821(b), Nov. 9, 1979, 93 Stat. 820, redesignated item 975 relating to membership in military unions as 976.

1978—Pub. L. 95-610, § 2(b), Nov. 8, 1978, 92 Stat. 3088, added item 975 relating to military unions.

Pub. L. 95-485, title VIII, § 815(b), Oct. 20, 1978, 92 Stat. 1626, added item 975 relating to sale of certain defense articles.

1968—Pub. L. 90-235, §§ 4(a)(5)(B), 6(a)(6)(B), Jan. 2, 1968, 81 Stat. 759, 762, added items 973 and 974.

1958—Pub. L. 85-861, § 1(20), Sept. 2, 1958, 72 Stat. 1442, added items 971 and 972.

PROHIBITION ON LOBBYING ACTIVITIES WITH RESPECT TO THE DEPARTMENT OF DEFENSE BY CERTAIN OFFICERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT FOLLOWING SEPARATION FROM MILITARY SERVICE OR EMPLOYMENT WITH THE DEPARTMENT

Pub. L. 115-91, div. A, title X, § 1045, Dec. 12, 2017, 131 Stat. 1555, provided that:

“(a) TWO-YEAR PROHIBITION.—

“(1) PROHIBITION.—An individual described in paragraph (2) may not engage in lobbying activities with respect to the Department of Defense during the two-year period beginning on the date of retirement or separation from service in the Armed Forces or the date of retirement or separation from service with the Department, as applicable.

“(2) COVERED INDIVIDUALS.—An individual described in this paragraph is the following:

“(A) An officer of the Armed Forces in grade O-9 or higher at the time of retirement or separation from the Armed Forces.

“(B) A civilian employee of the Department of Defense who had a civilian grade equivalent to a military grade specified in subparagraph (A) at the

time of the employee’s retirement or separation from service with the Department.

“(b) ONE-YEAR PROHIBITION.—

“(1) PROHIBITION.—An individual described in paragraph (2) may not engage in lobbying activities with respect to the Department of Defense during the one-year period beginning on the date of retirement or separation from service in the Armed Forces or the date of retirement or separation from service with the Department, as applicable.

“(2) COVERED INDIVIDUALS.—An individual described in this paragraph is the following:

“(A) An officer of the Armed Forces in grade O-7 or O-8 at the time of retirement or separation from the Armed Forces.

“(B) A civilian employee of the Department of Defense who had a civilian grade equivalent to a military grade specified in subparagraph (A) at the time of the employee’s retirement or separation from service with the Department.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘lobbying activities with respect to the Department of Defense’ means the following:

“(A) Lobbying contacts and other lobbying activities with covered executive branch officials with respect to the Department of Defense.

“(B) Lobbying contacts with covered executive branch officials described in subparagraphs (C) through (F) of section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) in the Department of Defense.

“(2) The terms ‘lobbying activities’ and ‘lobbying contacts’ have the meaning given such terms in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

“(3) The term ‘covered executive branch official’ has the meaning given that term in section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)).”

§ 971. Service credit: officers may not count service performed while serving as cadet or midshipman

(a) PROHIBITION ON COUNTING ENLISTED SERVICE PERFORMED WHILE AT SERVICE ACADEMY OR IN NAVY RESERVE.—The period of service under an enlistment or period of obligated service while also performing service as a cadet or midshipman or serving as a midshipman in the Navy Reserve may not be counted in computing, for any purpose, the length of service of an officer of an armed force or an officer in the Commissioned Corps of the Public Health Service.

(b) PROHIBITION ON COUNTING SERVICE AS A CADET OR MIDSHIPMAN.—In computing length of service for any purpose, service as a cadet or midshipman may not be credited to any of the following officers:

(1) An officer of the Navy or Marine Corps.

(2) A commissioned officer of the Army or Air Force.

(3) An officer of the Coast Guard.

(4) An officer in the Commissioned Corps of the Public Health Service.

(c) SERVICE AS A CADET OR MIDSHIPMAN DEFINED.—In this section, the term “service as a cadet or midshipman” means—

(1) service as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or

(2) service as a midshipman at the United States Naval Academy.

(Added Pub. L. 85-861, § 1(20), Sept. 2, 1958, 72 Stat. 1442; amended Pub. L. 90-235, § 6(a) (1), Jan.

2, 1968, 81 Stat. 761; Pub. L. 98-557, §17(a), Oct. 30, 1984, 98 Stat. 2867; Pub. L. 101-189, div. A, title VI, §652(a)(1)(A), (2), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 104-201, div. A, title V, §581, Sept. 23, 1996, 110 Stat. 2537; Pub. L. 105-85, div. A, title X, §1073(a)(13), Nov. 18, 1997, 111 Stat. 1900; Pub. L. 109-163, div. A, title V, §515(b)(1)(D), (2), Jan. 6, 2006, 119 Stat. 3233, 3234.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
971	50:1414.	June 25, 1956, ch. 439, §4, 70 Stat. 333.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted “NAVY RESERVE” for “NAVAL RESERVE” in heading and “Navy Reserve” for “Naval Reserve” in text.

1997—Subsec. (b)(4). Pub. L. 105-85 substituted “Commissioned Corps” for “commissioned corps”.

1996—Pub. L. 104-201, §581(c)(3), struck out “enlisted” after “count” in section catchline.

Subsec. (a). Pub. L. 104-201, §581(a), (c)(2), inserted heading, substituted “while also performing service as a cadet or midshipman or serving as a midshipman” for “while also serving as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy or”, and inserted before period at end “or an officer in the Commissioned Corps of the Public Health Service”.

Subsec. (b). Pub. L. 104-201, §581(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In computing length of service for any purpose—

“(1) no officer of the Navy or Marine Corps may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy;

“(2) no commissioned officer of the Army or Air Force may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; and

“(3) no officer of the Coast Guard may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.”

Subsec. (c). Pub. L. 104-201, §581(c)(1), added subsec. (c).

1989—Subsec. (a). Pub. L. 101-189, §652(a)(1)(A), struck out “, under an appointment accepted after June 25, 1956,” after “Naval Reserve”.

Subsec. (b)(1). Pub. L. 101-189, §652(a)(2)(A), struck out “, if he was appointed as a midshipman or cadet after March 4, 1913” after “United States Coast Guard Academy”.

Subsec. (b)(2). Pub. L. 101-189, §652(a)(2)(B), struck out “, if he was appointed as a midshipman or cadet after August 24, 1912” after “United States Coast Guard Academy”.

1984—Subsec. (b)(3). Pub. L. 98-557 added par. (3).

1968—Pub. L. 90-235 designated existing provisions as subsec. (a) and added subsec. (b).

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 Reor-

ganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

APPLICATION OF SUBSECTION (a) TO SERVICE UNDER APPOINTMENT ACCEPTED BEFORE JUNE 26, 1956

Pub. L. 101-189, div. A, title VI, §652(a)(1)(B), Nov. 29, 1989, 103 Stat. 1461, provided that: “The limitation in section 971(a) of title 10, United States Code, shall not apply with respect to a period of service referred to in that section while also serving under an appointment as a cadet or midshipman accepted before June 26, 1956.”

§ 972. Members: effect of time lost

(a) ENLISTED MEMBERS REQUIRED TO MAKE UP TIME LOST.—An enlisted member of an armed force who—

- (1) deserts;
- (2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;
- (3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or
- (4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

is liable, after his return to full duty, to serve for a period that, when added to the period that he served before his absence from duty, amounts to the term for which he was enlisted or inducted.

(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after February 10, 1996—

- (1) deserts;
- (2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;
- (3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or
- (4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer’s length of service.

(c) WAIVER OF RECOURPMENT OF TIME LOST FOR CONFINEMENT.—The Secretary concerned shall waive liability for a period of confinement in connection with a trial under subsection (a)(3), or exclusion of a period of confinement in connection with a trial under subsection (b)(3), in a case upon the occurrence of any of the following events:

- (1) For each charge—
 - (A) the charge is dismissed before or during trial in a final disposition of the charge; or
 - (B) the trial results in an acquittal of the charge.