

CHAPTER 721—ACTIVE DUTY

- Sec.
- 7191. Non-regular officers: status.
- 7203. Retired commissioned officers: status.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 341 of this title as this chapter and items 3491 and 3503 as 7191 and 7203, respectively.

1994—Pub. L. 103-337, div. A, title XVI, §1672(b)(4), Oct. 5, 1994, 108 Stat. 3015, struck out items 3495 “Army National Guard of United States: status”, 3496 “Army National Guard of United States: commissioned officers; duty in National Guard Bureau”, 3497 “Army National Guard of United States: members; status in which ordered into Federal service”, 3498 “Army National Guard of United States: mobilization; maintenance of organization”, 3499 “Army National Guard in Federal service: status”, 3500 “Army National Guard in Federal service: call”, 3501 “Army National Guard in Federal service: period of service; apportionment”, and 3502 “Army National Guard in Federal service: physical examination”.

1980—Pub. L. 96-513, title V, §502(12), Dec. 12, 1980, 94 Stat. 2910, struck out item 3494 “Commissioned officers: grade in which ordered to active duty” and item 3504 “Retired members: limitations; grade”.

1968—Pub. L. 90-235, §1(a)(3), (b), Jan. 2, 1968, 81 Stat. 753, struck out item 3492 “Members: service extension during war”, and item 3493 “Army Reserve: commissioned officers with Corps of Engineers”.

1958—Pub. L. 85-861, §1(82)(B), Sept. 2, 1958, 72 Stat. 1481, added item 3494.

§ 7191. Non-regular officers: status

A commissioned officer of the Army, other than of the Regular Army, who is on active duty in any commissioned grade has the rights and privileges, and is entitled to the benefits, provided by law for a commissioned officer of the Army Reserve—

- (1) whose reserve grade is that in which the officer not of the Regular Army is serving;
- (2) who has the same length of service as the officer not of the Regular Army; and
- (3) who is on active duty in his reserve grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 198, §3491; renumbered §7191, Pub. L. 115-232, div. A, title VIII, §808(b)(5), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3491	10:506d(h).	Aug. 7, 1947, ch. 512, §515(h), 61 Stat. 908.

The first 12 words are substituted for 10:506d(h) (1st 11 words). The words “has the rights and privileges, and is entitled to the benefits” are substituted for the words “shall be entitled * * * to the same rights, privileges, and benefits”. Clause (1) is substituted for the words “in a grade the same as such ‘active-duty grade’”. The words “as the officer not of the Regular Army” are substituted for the words “holding appointment in the Army Reserve”. The words “his reserve grade” are substituted for the words “the grade held in the Army Reserve”.

PRIOR PROVISIONS

Prior section 7201, act Aug. 10, 1956, ch. 1041, 70A Stat. 442, authorized Secretary of the Navy to conduct research and development relating to guided missiles and to procure and construct guided missiles, prior to re-

peal by Pub. L. 103-160, div. A, title VIII, §824(a)(1), Nov. 30, 1993, 107 Stat. 1707.

Prior section 7202, act Aug. 10, 1956, ch. 1041, 70A Stat. 442, related to authority of Secretary of the Navy to provide for emergency and extraordinary expenses and to delegation of such authority to other persons in the Department of the Navy, prior to repeal by Pub. L. 94-106, title VIII, §804(b), Oct. 7, 1975, 89 Stat. 538. See section 127 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3491 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 7203. Retired commissioned officers: status

A retired commissioned officer of the Army who is on active duty is considered, for all purposes except promotion, to be an officer of the branch or organization to which he is assigned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 200, §3503; renumbered §7203, Pub. L. 115-232, div. A, title VIII, §808(b)(5), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3503	10:999.	July 9, 1918, ch. 143, subch. XX (2d par.), 40 Stat. 893.

The words “and shall be an extra number therein” are omitted, since, in the opinion of the Judge Advocate General of the Army (JAG 210.85, Feb. 21, 1923), they were repealed by the Act of July 31, 1935, ch. 422, 49 Stat. 505. The words “in the discretion of the President, employed * * * assigned to duty” are omitted as surplusage. The word “branch” is substituted for the words “arms, corps, department” to conform to sections 3063 and 3064 of this title.

PRIOR PROVISIONS

A prior section 7203, acts Aug. 10, 1956, ch. 1041, 70A Stat. 442; Sept. 2, 1958, Pub. L. 85-861, §33(a)(34), 72 Stat. 1566, authorized Secretary of the Navy to make expenditures for scientific investigations and research from any naval appropriation available for those purposes and to delegate this authority within Navy, prior to repeal by Pub. L. 103-355, title III, §3025(a), Oct. 13, 1994, 108 Stat. 3334.

Prior sections 7204 and 7205 were renumbered sections 8604 and 8605 of this title, respectively.

A prior section 7206, act Aug. 10, 1956, ch. 1041, 70A Stat. 443, related to minor construction and extension of structures, prior to repeal by Pub. L. 85-861, §36B(22), Sept. 2, 1958, 72 Stat. 1571.

A prior section 7207 was renumbered section 8607 of this title.

A prior section 7208, act Aug. 10, 1956, ch. 1041, 70A Stat. 443, authorized the Secretary of the Navy to pay the travel, subsistence, special compensation, and other expenses of officers and students of Latin American countries that the Secretary considers necessary for Latin American cooperation, prior to repeal by Pub. L. 98-525, title XIV, §§1401(d)(3)(A), 1404, Oct. 19, 1984, 98 Stat. 2616, 2621, effective Oct. 1, 1985.

A prior section 7209, act Aug. 10, 1956, ch. 1041, 70A Stat. 444, related to rewards for recovery of missing naval property, prior to repeal by Pub. L. 100-370, §1(e)(3)(A), July 19, 1988, 102 Stat. 845. See section 2252 of this title.

A prior section 7210, act Aug. 10, 1956, ch. 1041, 70A Stat. 444, authorized Secretary of the Navy to purchase patents, patent applications, and licenses, prior to repeal by Pub. L. 103-160, div. A, title VIII, §824(a)(2), Nov. 30, 1993, 107 Stat. 1707.

Prior sections 7211 and 7212 were renumbered sections 8611 and 8612 of this title, respectively.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3503 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 723—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

- Sec.
7213. Corps of Engineers: assignment or transfer of officers to duties involving civil functions.
7214. Corps of Engineers: detail of officers to assist Mayor of District of Columbia.
7216. Leader of Army Band: appointment.
7217. Duties: chaplains; assistance required of commanding officers.
7218. Duties: warrant officers; limitations.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 343 of this title as this chapter and items 3533, 3534, 3536, 3547, and 3548 as 7213, 7214, 7216, 7217, and 7218, respectively.

2016—Pub. L. 114-328, div. A, title V, §502(s)(2), Dec. 23, 2016, 130 Stat. 2104, struck out item 3543 “Aides: detail; number authorized”.

1994—Pub. L. 103-337, div. A, title XVI, §1672(b)(5), Oct. 5, 1994, 108 Stat. 3015, struck out items 3541 “National Guard Bureau: assignment of officers of regular or reserve components” and 3542 “Chief and assistant chief of staff of divisions of Army National Guard in Federal service: detail”.

1980—Pub. L. 96-513, title V, §§502(13), 512(5)(C), Dec. 12, 1980, 94 Stat. 2910, 2929, struck out items 3531 “Chief of Staff to President: appointment”, 3532 “Assistant to Comptroller of Department of Defense: detail, grade”, and 3535 “Assistant to Chief of Engineers”, and in item 3534 substituted “Mayor” for “Commissioner”.

1968—Pub. L. 90-623, §2(6), Oct. 22, 1968, 82 Stat. 1314, substituted “Corps of Engineers: detail of officers to assist Commissioner of District of Columbia” for “Engineer Commissioner of the District of Columbia; assistants; detail” in item 3534.

Pub. L. 90-235, §4(a)(3), (10), (b)(2), Jan. 2, 1968, 81 Stat. 759, 760, struck out item 3538 “Geological Survey: detail of officers of Ordinance Corps”, item 3539 “American National Red Cross: detail of officers of Army Medical Service”, item 3544 “Duties: regular officers; performance of civil functions restricted”, and item 3545 “Duties: officers; superintendence of cooking for enlisted members”.

1964—Pub. L. 88-647, title III, §301(8), Oct. 13, 1964, 78 Stat. 1071, struck out item 3540 “Educational institutions: detail of members of regular or reserve components as professors and instructors in military science and tactics”.

1958—Pub. L. 85-861, §1(84), Sept. 2, 1958, 72 Stat. 1481, struck out item 3546 “Duties: officers of Medical Corps, contract surgeons; attendance on families of members”.

§ 7213. Corps of Engineers: assignment or transfer of officers to duties involving civil functions

Officers of the Corps of Engineers may be assigned or transferred to and from duties involv-

ing the civil functions of the Corps of Engineers only with the approval of the Secretary of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201, §3533; Pub. L. 89-718, §26, Nov. 2, 1966, 80 Stat. 1119; renumbered §7213, Pub. L. 115-232, div. A, title VIII, §808(b)(6), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3533	10:506(c) (proviso).	Aug. 7, 1947, ch. 512, §502(c) (proviso), 61 Stat. 883.

The words “and reassignments” are omitted as surplusage.

PRIOR PROVISIONS

A prior section 7213, act Aug. 10, 1956, ch. 1041, 70A Stat. 445, related to relief of contractors and their employees from losses by enemy action, prior to repeal by Pub. L. 103-160, div. A, title VIII, §824(a)(3), Nov. 30, 1993, 107 Stat. 1707.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3533 of this title as this section.

1966—Pub. L. 89-718 struck out provisions requiring the recommendation of the Chief of Engineers in order to transfer officers of the Corps of Engineers to or from the civil functions of the Corps of Engineers.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 7214. Corps of Engineers: detail of officers to assist Mayor of District of Columbia

The President may detail not more than three officers assigned to the Corps of Engineers to assist the Mayor of the District of Columbia in discharging his duties.

(Aug. 10, 1956, ch. 1041, 70A Stat. 201, §3534; Pub. L. 90-623, §2(5), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96-513, title V, §512(5)(A), (B), Dec. 12, 1980, 94 Stat. 2929; renumbered §7214, Pub. L. 115-232, div. A, title VIII, §808(b)(6), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3534(a)	10:189 (less 1st sentence).	June 11, 1878, ch. 180, §2 (48th through 56th words of 1st sentence, and 2d sentence), 20 Stat. 103.
3534(b)	10:190.	June 11, 1878, ch. 180, §5 (last sentence); re-stated Aug. 7, 1894, ch. 232 (proviso under “For Engineer’s Office”), 28 Stat. 246. Mar. 3, 1881, ch. 134 (words after last semicolon of 1st par. under “General Expenses”), 21 Stat. 460. Dec. 24, 1890, J. Res. 7 (last sentence), 26 Stat. 1113.

In subsection (a), the words “whose grade is above first lieutenant” are substituted for the words “from among the captains or officers of higher grade”. The