

TRANSITION PROVISIONS UNDER DEFENSE OFFICER
PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

PART II—PERSONNEL

Chap.		Sec.
811.	Distribution in Grade	8101
812.	Grade and Rank of Officers	8111
813.	Enlistments	8120
815.	Original Appointments	8132
821.	Officers in Command	8162
823.	Special Assignments and Details	8183
825.	Administration	8211
827.	Rations	8241
829.	Miscellaneous Prohibitions and Penalties	8253
831.	Miscellaneous Rights and Benefits	8261
833.	Hospitalization and Medical Care	8281
835.	Bands	8286
837.	Decorations and Awards	8291
839.	Discharge of Enlisted Members	8317
841.	Voluntary Retirement	8321
843.	Involuntary Retirement, Separation, and Furlough	8371
845.	Recall to Active Duty	8383
847.	Death Benefits; Care of the Dead	8392

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(f)(2), Aug. 13, 2018, 132 Stat. 1838, redesignated items for chapters 533 to 577 as 811 to 847 and redesignated section numbers 5441 to 6521 as 8101 to 8392. Section numbers were conformed to the first section appearing in each chapter after renumbering by Pub. L. 115-232 to reflect the probable intent of Congress.

1994—Pub. L. 103-337, div. A, title XVI, §1673(a)(3), Oct. 5, 1994, 108 Stat. 3015, struck out items for chapters 531 “Strength of Naval Reserve and Marine Corps Reserve”, 541 “Running Mates for Reserve Officers”, and 549 “Reserve Promotions”.

1980—Pub. L. 96-513, title V, §503(16), Dec. 12, 1980, 94 Stat. 2912, inserted “of Naval Reserve and Marine Corps Reserve” after “Strength” in item for chapter 531, inserted “for Reserve Officers” after “Running Mates” in item for chapter 541, struck out item for chapter 543 “Selection Boards”, added item for chapter 544, and struck out items for chapter 545 “Promotions” and for chapter 547 “Examinations for Promotion”.

1958—Pub. L. 85-861, §1(134), Sept. 2, 1958, 72 Stat. 1507, added item for chapter 549.

SUSPENSION OF CERTAIN SECTIONS OF TITLE 10 AND AMENDMENTS TO OFFICER PERSONNEL ACT OF 1947

Act Aug. 10, 1956, ch. 1041, §48, 70A Stat. 639, as amended by Pub. L. 109-163, div. A, title V, §515(h), Jan. 6, 2006, 119 Stat. 3237, provided that:

“SEC. 48. (a) Except as they may apply to women officers of the Regular Navy or the Regular Marine Corps appointed under [former] section 5590 of title 10, United States Code, enacted by section 1 of this Act, the following sections of title 10 cease to operate whenever the number of male officers serving on active duty in the grade of ensign or above in the line of the Navy does not exceed the number of male officers holding permanent appointments in the grade of ensign or above on the active list in the line of the Regular Navy: Sections 5505 [former 10 U.S.C. 5505], 5508 [now 8118], 5596 [now 8146], [former] 5651-5663, [former] 5701-5703, [former] 5705-5711, [former] 5751, [former] 5753-5759, [former] 5761, [former] 5762, [former] 5764-5770, [former]

5785, [former] 5786, [former] 5791, 6371-6384 [10 U.S.C. 6371, 6383 now 10 U.S.C. 8371, 8372; former 10 U.S.C. 6372-6382, 6384], [former] 6386, [former] 6407.

“(b) For the purposes of subsection (a), the following officers may not be considered officers serving on active duty:

“(1) Retired officers.

“(2) Officers of the Navy Reserve assigned to active duty for training.

“(3) Officers of the Navy Reserve ordered to active duty in connection with organizing, administering, recruiting, instructing, or drilling the Navy Reserve or the Marine Corps Reserve.

“(4) Officers of the Navy Reserve ordered to temporary active duty for the purpose of prosecuting special work.

“(c) Title IV of the Officer Personnel Act of 1947 (61 Stat. 869), as amended, is amended by adding the following new section at the end thereof:

“[SEC. 437. Repealed. Pub. L. 104-106, div. A, title XV, §1505(a), Feb. 10, 1996, 110 Stat. 514.]”

CHAPTER 811—DISTRIBUTION IN GRADE

Sec.	
8101.	Prescribed number; vacancies.
8102.	Regular Navy: retired flag officers on active duty.
8103.	Suspension: preceding sections.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(2)(B), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 533 of this title as this chapter and items 5441, 5450, and 5451 as 8101 to 8103, respectively.

1996—Pub. L. 104-106, div. A, title XV, §1501(c)(20), Feb. 10, 1996, 110 Stat. 499, struck out item 5454 “Computations: rule when fraction occurs in final result”.

1994—Pub. L. 103-337, div. A, title XVI, §1673(b)(1), Oct. 5, 1994, 108 Stat. 3016, struck out items 5456 “Naval Reserve and Marine Corps Reserve”, 5457 “Naval Reserve: officers in an active status in grades above chief warrant officer, W-5”, and 5458 “Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-5”.

1991—Pub. L. 102-190, div. A, title XI, §1131(8)(B), Dec. 5, 1991, 105 Stat. 1506, substituted “W-5” for “W-4” in items 5457 and 5458.

1990—Pub. L. 101-510, div. A, title IV, §403(b)(2)(B), Nov. 5, 1990, 104 Stat. 1545, struck out items 5442 “Navy: line officers on active duty; rear admirals (lower half) and rear admirals”, 5443 “Marine Corps: officers on active duty; brigadier generals and major generals”, 5444 “Navy: staff corps officers on active duty; rear admirals (lower half) and rear admirals”, and 5446 “Application: sections 5442, 5443, 5444”.

1985—Pub. L. 99-145, title V, §514(b)(6)(B), (7)(B), Nov. 8, 1985, 99 Stat. 629, substituted “rear admirals (lower half)” for “commodores” in items 5442 and 5444.

1981—Pub. L. 97-86, title IV, §405(b)(6)(B), (7)(B), Dec. 1, 1981, 95 Stat. 1106, substituted “commodores” for “commodore admirals” in items 5442 and 5444.

Pub. L. 97-22, §10(b)(6)(B), July 10, 1981, 95 Stat. 137, struck out item 5455 “Computations and determinations: effect on status of officers”.

1980—Pub. L. 96-513, title V, §§503(18), 513(9)(A), Dec. 12, 1980, 94 Stat. 2912, 2931, inserted “; commodore admirals and rear admirals” in item 5442, inserted “; brigadier generals and major generals” in item 5443, inserted “; commodore admirals and rear admirals” in item 5444, struck out items 5445 “Suspension: sections 5442, 5443, 5444”, 5447 “Navy: line officers on the active list; permanent grade”, 5448 “Marine Corps: officers on the active list; permanent grade”, 5449 “Navy: staff corps officers on the active list; permanent grade”, and 5452 “Navy: women line officers on active duty; Marine Corps: women officers on active duty”, and substituted “in grades” for “in permanent grades” in items 5457 and 5458.

1967—Pub. L. 90-130, §1(17)(F), (H), Nov. 8, 1967, 81 Stat. 377, struck out item 5453 “Marine Corps: women