

- Sec.
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 Repealed.]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 Repealed.]
723. Support of Federal authorities in response to civil disturbances: requirement for use of members of the Armed Forces and Federal law enforcement personnel.

AMENDMENTS

- 2021—Pub. L. 116-283, div. A, title X, §§1064(b), 1081(a)(19), Jan. 1, 2021, 134 Stat. 3860, 3871, moved item 714 to appear immediately after item 713, inserted period at end of item 715, and added item 723.
- 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 INFRASTRUCTURE

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 Administrator may determine how many participants to select under this paragraph without regard to the number of participants selected from the other agency.

“(2) CRITERIA FOR SELECTION.—

“(A) IN GENERAL.—The Chairman and the Administrator shall select participants for the exchange program established under subsection (a) from among mid-career employees and based on—

“(i) the qualifications and desire to participate in the program of the employee; and

“(ii) the technical needs and capacities of the Department of Defense and the National Nuclear Security Administration, as applicable.

“(B) DEPARTMENT OF DEFENSE.—In selecting participants from the Department of Defense for the exchange program established under subsection (a), the Chairman shall ensure that there is a mix of military personnel and civilian employees of the Department.

“(d) TERMS.—Exchanges pursuant to the exchange program established under subsection (a) shall be for terms of one to two years, as determined and negotiated by the Chairman and the Administrator. Such terms may begin and end on a rolling basis.

“(e) GUIDANCE AND IMPLEMENTATION.—

“(1) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Chairman and the Administrator shall jointly develop and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] interim guidance on the form and contours of the exchange program established under subsection (a).

“(2) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Chairman and the Administrator shall implement the guidance developed under paragraph (1).”

REPORTS ON MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE SERVING IN THE LEGISLATIVE BRANCH

Pub. L. 109-364, div. A, title XI, §1104, Oct. 17, 2006, 120 Stat. 2409, as amended by Pub. L. 112-81, div. A, title X, §1066(c), Dec. 31, 2011, 125 Stat. 1588, provided that:

“(a) REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Whenever a member of the Armed Forces or a civilian employee of the Department of Defense serves continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.

“(b) REPORTS ON CERTAIN MILITARY DETAILS AND FELLOWSHIPS.—If a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the regulations of the Department of Defense, the Secretary shall submit to the congressional defense

committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the assignment of such member to such covered legislative detail or fellowship. The report shall include a rationale for the waiver of the regulations of the Department in order to permit the detail or fellowship.

“(c) REPORT ELEMENTS.—Each report under subsection (a) or (b) shall set forth, for each member of the Armed Forces or civilian employee of the Department of Defense covered by such report, the following:

“(1) The name of such member or employee.

“(2) In the case of a member, the Armed Force of such member.

“(3) The committee or member of Congress to which such member or employee is detailed or assigned.

“(4) A general description of the projects or tasks undertaken or to be undertaken, as applicable, by such member or employee as a detailee, fellow, or both.

“(5) The anticipated termination date of the current detail or fellowship of such member or employee.

“(d) COVERED LEGISLATIVE DETAIL OR FELLOWSHIP DEFINED.—In this section, the term ‘covered legislative detail or fellowship’ means the following:

“(1) A detail under the provisions of Department of Defense Directive 1000.17.

“(2) A legislative fellowship (including a legislative fellowship under the provisions of Department of Defense Directive 1322.6).”

§ 711. Senior members of Military Staff Committee of United Nations: appointment

The President, by and with the advice and consent of the Senate, may appoint an officer of the Army, an officer of the Navy or the Marine Corps, and an officer of the Air Force or the Space Force, as senior members of the Military Staff Committee of the United Nations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 32; Pub. L. 114-328, div. A, title V, §502(f), Dec. 23, 2016, 130 Stat. 2103; Pub. L. 116-283, div. A, title IX, §924(b)(19), Jan. 1, 2021, 134 Stat. 3823.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
711	10:506b(c) (less last 12 words).	Aug. 7, 1947, ch. 512, §504(c) (less last 12 words), 61 Stat. 886.

The words “Within the limitations as to numbers in grade prescribed in this Act”, so far as they relate to the Army and the Air Force, are omitted as executed by the declaration of the national emergency on December 16, 1950, in accordance with an opinion of the Judge Advocate General of the Army (JAGA 1951/6180, 17 Oct. 1951). So far as they relate to the Navy and the Marine Corps they are omitted as surplusage. The words “may appoint” are inserted to make it explicit that the revised section prescribes the appointment as well as the rank and pay that go with it. The word “grade” is substituted for the word “rank”. The words “Navy or Marine Corps” are substituted for the words “Navy, including the Marine Corps”. The words “Army, * * * Air Force” are substituted for the words “Army less the Air Corps * * * Air Corps”. The words “pay and allowances of a vice admiral or lieutenant general” are omitted as surplusage, since this is implicit upon appointment to the grade. The words “and Naval” are omitted to conform to the name “Military Staff Committee” established by Article 47 of the United Nations Charter.

AMENDMENTS

2021—Pub. L. 116-283 inserted “or the Space Force” after “Air Force”.