

in rank in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President.

(Added Pub. L. 90-235, §5(a)(1)(A), Jan. 2, 1968, 81 Stat. 760; amended Pub. L. 116-283, div. A, title IX, §924(b)(2)(A)(iv), (B), Jan. 1, 2021, 134 Stat. 3821.)

#### AMENDMENTS

2021—Pub. L. 116-283, §924(b)(2)(B), amended section catchline generally. Prior to amendment, section catchline read as follows: “Command: when different commands of Army, Navy, Air Force, Marine Corps, and Coast Guard join”.

Pub. L. 116-283, §924(b)(2)(A)(iv), substituted “Marine Corps, Space Force,” for “Marine Corps,” in two places.

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

#### § 749. Command: commissioned officers in same grade or corresponding grades on duty at same place

(a) When the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, as the case may be, has on duty in the same area, field command, or organization two or more commissioned officers of the same grade who are otherwise eligible to command, the President may assign the command without regard to rank in that grade.

(b) When officers of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard are on duty in the same area, field, command, or organization and two or more commissioned officers of different services, who are otherwise eligible to command, have the same grade or corresponding grades, the President may assign the command without regard to rank in that grade.

(Added Pub. L. 90-235, §5(a)(1)(A), Jan. 2, 1968, 81 Stat. 760; amended Pub. L. 116-283, div. A, title IX, §924(b)(2)(A)(v), Jan. 1, 2021, 134 Stat. 3821.)

#### AMENDMENTS

2021—Pub. L. 116-283 substituted “Marine Corps, Space Force,” for “Marine Corps,” in subsecs. (a) and (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 Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### DELEGATION OF AUTHORITY

For delegation of authority of President under this section, see section 1 of Ex. Ord. No. 12765, June 11, 1991,

56 F.R. 27401, set out as a note under section 113 of this title.

#### § 750. Command: retired officers

A retired officer has no right to command except when on active duty.

(Added Pub. L. 96-513, title I, §108, Dec. 12, 1980, 94 Stat. 2870.)

#### EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### CHAPTER 45—THE UNIFORM

Sec.	
771.	Unauthorized wearing prohibited.
771a.	Disposition on discharge.
772.	When wearing by persons not on active duty authorized.
773.	When distinctive insignia required.
774.	Religious apparel: wearing while in uniform.
775.	Issue of uniform without charge.
776.	Applicability of chapter.
777.	Wearing of insignia of higher grade before promotion (frocking): authority; restrictions.
777a.	Wearing of insignia of higher grade before appointment to a grade above major general or rear admiral (frocking): authority; restrictions.

#### AMENDMENTS

2011—Pub. L. 111-383, div. A, title V, §505(a)(2), Jan. 7, 2011, 124 Stat. 4210, added item 777a.

1996—Pub. L. 104-106, div. A, title V, §503(a)(2), Feb. 10, 1996, 110 Stat. 294, added item 777.

1992—Pub. L. 102-484, div. A, title III, §377(b), Oct. 23, 1992, 106 Stat. 2387, added item 775 and redesignated former item 775 as 776.

1987—Pub. L. 100-180, div. A, title V, §508(b), Dec. 4, 1987, 101 Stat. 1087, added item 774 and redesignated former item 774 as 775.

1968—Pub. L. 90-235, §8(1)(B), Jan. 2, 1968, 81 Stat. 764, added item 771a.

#### PILOT PROGRAM FOR TEMPORARY ISSUANCE OF MATERNITY-RELATED UNIFORM ITEMS

Pub. L. 116-283, div. A, title III, §361, Jan. 1, 2021, 134 Stat. 3546, provided that:

“(a) PILOT PROGRAM.—The Director of the Defense Logistics Agency, in coordination with the Secretaries concerned, shall carry out a pilot program for issuing maternity-related uniform items to pregnant members of the Armed Forces, on a temporary basis and at no cost to such member. In carrying out the pilot program, the Director shall take the following actions:

“(1) The Director shall maintain a stock of each type of maternity-related uniform item determined necessary by the Secretary concerned, including service uniforms items, utility uniform items, and other items relating to the command and duty assignment of the member requiring issuance.

“(2) The Director shall ensure that such items have not been treated with the chemical permethrin.

“(3) The Director, in coordination with the Secretary concerned, shall determine a standard number of maternity-related uniform items that may be issued per member.

“(4) The Secretary concerned shall ensure that any member receiving a maternity-related uniform item returns such item to the relevant office established under paragraph (1) on the date on which the Secretary concerned determines the member no longer requires such item.