

AMENDMENTS

1997—Subsec. (f). Pub. L. 105-85 substituted “shall be fined under title 18 or imprisoned not more than 5 years, or both, except that, in the case of an organization (as defined in section 18 of such title), the fine shall not be less than \$25,000.” for “shall, in the case of an individual, be fined not more than \$10,000 or imprisoned not more than five years, or both, and in the case of an organization or association, be fined not less than \$25,000 and not more than \$250,000.”

1987—Subsec. (a)(1) to (3). Pub. L. 100-26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in each paragraph and substituted lowercase letter.

1986—Subsec. (a)(1). Pub. L. 99-661 struck out the second of two commas before “(B)”.

1984—Subsec. (a)(1). Pub. L. 98-525 added cl. (B) and redesignated existing cl. (B) as (C).

FINDINGS; PURPOSE

Pub. L. 95-610, § 1, Nov. 8, 1978, 92 Stat. 3085, provided that:

“(a) The Congress makes the following findings:

“(1) Members of the armed forces of the United States must be prepared to fight and, if necessary, to die to protect the welfare, security, and liberty of the United States and of their fellow citizens.

“(2) Discipline and prompt obedience to lawful orders of superior officers are essential and time-honored elements of the American military tradition and have been reinforced from the earliest articles of war by laws and regulations prohibiting conduct detrimental to the military chain of command and lawful military authority.

“(3) The processes of conventional collective bargaining and labor-management negotiation cannot and should not be applied to the relationships between members of the armed forces and their military and civilian superiors.

“(4) Strikes, slowdowns, picketing, and other traditional forms of job action have no place in the armed forces.

“(5) Unionization of the armed forces would be incompatible with the military chain of command, would undermine the role, authority, and position of the commander, and would impair the morale and readiness of the armed forces.

“(6) The circumstances which could constitute a threat to the ability of the armed forces to perform their mission are not comparable to the circumstances which could constitute a threat to the ability of Federal civilian agencies to perform their functions and should be viewed in light of the need for effective performance of duty by each member of the armed forces.

“(b) The purpose of this Act [enacting this section] is to promote the readiness of the armed forces to defend the United States.”

§ 977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation

(a) PROCESS.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall establish a process to define the military medical and dental personnel requirements necessary to meet operational medical force readiness requirements.

(b) REQUIREMENTS RELATING TO CONVERSION.—A military medical or dental position within the Department of Defense may be converted to a civilian medical or dental position if the Secretary determines that the position is not necessary to meet operational medical force readiness requirements, as determined pursuant to subsection (a).

(c) GRADE OR LEVEL CONVERTED.—In carrying out a conversion under subsection (b), the Secretary of Defense—

(1) shall convert the applicable military position to a civilian position with a level of compensation commensurate with the skills and experience necessary to carry out the duties of such civilian position; and

(2) may not place any limitation on the grade or level to which the military position is so converted.

(d) DEFINITIONS.—In this section:

(1) The term “military medical or dental position” means a position for the performance of health care functions within the armed forces held by a member of the armed forces.

(2) The term “civilian medical or dental position” means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term “conversion”, with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(Added Pub. L. 114-328, div. A, title VII, § 721(a)(1), Dec. 23, 2016, 130 Stat. 2227.)

EFFECTIVE DATE

Pub. L. 114-328, div. A, title VII, § 721(a)(3), Dec. 23, 2016, 130 Stat. 2228, provided that: “The Secretary of Defense may not carry out section 977(b) of title 10, United States Code, as added by paragraph (1), until the date that is 180 days after the date on which the Secretary submits the report under subsection (b).”

PRIOR PROVISIONS

A prior section 977, added Pub. L. 103-160, div. A, title III, § 351(a), Nov. 30, 1993, 107 Stat. 1626; amended Pub. L. 105-85, div. A, title X, § 1073(a)(16), Nov. 18, 1997, 111 Stat. 1901; Pub. L. 106-65, div. A, title X, § 1066(a)(6), Oct. 5, 1999, 113 Stat. 770, related to prohibition of assignment of active duty members to operation of commissary stores, prior to repeal by Pub. L. 108-375, div. A, title VI, § 651(e)(1), Oct. 28, 2004, 118 Stat. 1972.

Another prior section 977, added Pub. L. 96-342, title X, § 1002(a), Sept. 8, 1980, 94 Stat. 1119; amended Pub. L. 97-22, § 11(a)(1), July 10, 1981, 95 Stat. 137, provided that no one who originally enlisted after Sept. 7, 1980, in a regular armed services component and failed to serve at least 24 months of such enlistment would be eligible for Federal benefits otherwise receivable because of active service under such enlistment, except that such exclusion was not applicable to one discharged under section 1173 of chapter 61 of this title or to one later proved to be suffering from a disability resulting from an injury or disease incurred during enlistment, prior to repeal by Pub. L. 97-306, title IV, § 408(c)(1), Oct. 14, 1982, 96 Stat. 1446. See section 5303A of Title 38, Veterans' Benefits, and provisions set out as notes under that section.

§ 978. Drug and alcohol abuse and dependency: testing of new entrants

(a)(1) The Secretary concerned shall require that, except as provided under paragraph (2),