

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF REPEAL

Repeal effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as an Effective Date of 1991 Amendment note under section 521 of this title.

**§ 747. Command: when different commands of Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join**

When different commands of the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard join or serve together, the officer highest 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.)

**Editorial Notes**

## 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.

**Statutory Notes and Related Subsidiaries**

## 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.)

**Editorial Notes**

## AMENDMENTS

2021—Pub. L. 116-283 substituted “Marine Corps, Space Force,” for “Marine Corps,” in subsecs. (a) and (b).

**Statutory Notes and Related Subsidiaries**

## 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.

**Executive Documents**

## 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.)

**Statutory Notes and Related Subsidiaries**

## 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.

**Editorial Notes**

## 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.

**Statutory Notes and Related Subsidiaries****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.

“(5) The Secretary concerned shall inspect, process, repair, clean, and re-stock items returned by a member pursuant to paragraph (4) for re-issuance from such relevant office.

“(6) The Director, in coordination with the Secretaries concerned, may issue such guidance and regulations as necessary to carry out the pilot program.

“(b) **TERMINATION.**—No maternity-related uniform items may be issued to a member of the Armed Forces under the pilot program after September 30, 2026.

“(c) **REPORT.**—Not later than September 30, 2025, the Director of the Defense Logistics Agency, in coordination with the Secretaries concerned, 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 pilot program. Such report shall include each of the following:

“(1) For each year during which the pilot program was carried out, the number of members of the Armed Forces who received a maternity-related uniform item under the pilot program.

“(2) An overview of the costs associated with, and any savings realized by, the pilot program, including a comparison of the cost of maintaining a stock of maternity-related uniform items for issuance under the pilot program versus the cost of providing allowances to members for purchasing such items.

“(3) A recommendation on whether the pilot program should be extended after the date of termination under subsection (b) and whether legislation is necessary for such extension.

“(4) Any other matters that the Secretary of Defense determines appropriate.”

**FUNCTIONAL BADGE OR INSIGNIA UPON COMMISSION FOR CHAPLAINS**

Pub. L. 116-92, div. A, title V, §510B, Dec. 20, 2019, 133 Stat. 1348, provided that: “A military chaplain shall receive a functional badge or insignia upon commission.”

**NOTIFICATION REQUIREMENTS RELATING TO CHANGES TO UNIFORM OF MEMBERS OF THE UNIFORMED SERVICES**

Pub. L. 115-232, div. A, title III, §356, Aug. 13, 2018, 132 Stat. 1732, as amended by Pub. L. 116-283, div. A, title III, §348, Jan. 1, 2021, 134 Stat. 3542, provided that:

“(a) **CONTRACTOR NOTIFICATION.**—The Director of the Defense Logistics Agency shall notify a contractor when one of the uniformed services plans to make a

change to a uniform component that is provided by that contractor. Such a notification shall be made not less than 12 months prior to any announcement of a public solicitation for the manufacture of the new uniform component.

“(b) **WAIVER.**—If the Secretary of a military department or the Director of the Defense Logistics Agency determines that the notification requirement under subsection (a) would adversely affect operational safety, force protection, or the national security interests of the United States, the Secretary or the Director may waive such requirement.”

**REVISED POLICY ON GROUND COMBAT AND CAMOUFLAGE UTILITY UNIFORMS**

Pub. L. 113-66, div. A, title III, §352(a)–(f), Dec. 26, 2013, 127 Stat. 742, 743, provided that:

“(a) **ESTABLISHMENT OF POLICY.**—It is the policy of the United States that the Secretary of Defense shall eliminate the development and fielding of Armed Force-specific combat and camouflage utility uniforms and families of uniforms in order to adopt and field a common combat and camouflage utility uniform or family of uniforms for specific combat environments to be used by all members of the Armed Forces.

“(b) **PROHIBITION.**—Except as provided in subsection (c), after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of a military department may not adopt any new camouflage pattern design or uniform fabric for any combat or camouflage utility uniform or family of uniforms for use by an Armed Force, unless—

“(1) the new design or fabric is a combat or camouflage utility uniform or family of uniforms that will be adopted by all Armed Forces;

“(2) the Secretary adopts a uniform already in use by another Armed Force; or

“(3) the Secretary of Defense grants an exception based on unique circumstances or operational requirements.

“(c) **EXCEPTIONS.**—Nothing in subsection (b) shall be construed as—

“(1) prohibiting the development of combat and camouflage utility uniforms and families of uniforms for use by personnel assigned to or operating in support of the unified combatant command for special operations forces described in section 167 of title 10, United States Code;

“(2) prohibiting engineering modifications to existing uniforms that improve the performance of combat and camouflage utility uniforms, including power harnessing or generating textiles, fire resistant fabrics, and anti-vector, anti-microbial, and anti-bacterial treatments;

“(3) prohibiting the Secretary of a military department from fielding ancillary uniform items, including headwear, footwear, body armor, and any other such items as determined by the Secretary;

“(4) prohibiting the Secretary of a military department from issuing vehicle crew uniforms;

“(5) prohibiting cosmetic service-specific uniform modifications to include insignia, pocket orientation, closure devices, inserts, and undergarments; or

“(6) prohibiting the continued fielding or use of pre-existing service-specific or operation-specific combat uniforms as long as the uniforms continue to meet operational requirements.

“(d) **REGISTRATION REQUIRED.**—The Secretary of a military department shall formally register with the Joint Clothing and Textiles Governance Board all uniforms in use by an Armed Force under the jurisdiction of the Secretary and all such uniforms planned for use by such an Armed Force.

“(e) **LIMITATION ON RESTRICTION.**—The Secretary of a military department may not prevent the Secretary of another military department from authorizing the use of any combat or camouflage utility uniform or family of uniforms.

“(f) **GUIDANCE REQUIRED.**—

“(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act [Dec. 26, 2013], the

Secretary of Defense shall issue guidance to implement this section.

“(2) CONTENT.—At a minimum, the guidance required by paragraph (1) shall require the Secretary of each of the military departments—

“(A) in cooperation with the commanders of the combatant commands, including the unified combatant command for special operations forces, to establish, by not later than 180 days after the date of the enactment of this Act, joint criteria for combat and camouflage utility uniforms and families of uniforms, which shall be included in all new requirements documents for such uniforms;

“(B) to continually work together to assess and develop new technologies that could be incorporated into future combat and camouflage utility uniforms and families of uniforms to improve war fighter survivability;

“(C) to ensure that new combat and camouflage utility uniforms and families of uniforms meet the geographic and operational requirements of the commanders of the combatant commands; and

“(D) to ensure that all new combat and camouflage utility uniforms and families of uniforms achieve interoperability with all components of individual war fighter systems, including body armor, organizational clothing and individual equipment, and other individual protective systems.”

POLICY ON GROUND COMBAT AND CAMOUFLAGE UTILITY UNIFORMS

Pub. L. 111-84, div. A, title III, §352, Oct. 28, 2009, 123 Stat. 2262, related to policy on ground combat and camouflage utility uniforms, prior to repeal by Pub. L. 113-66, div. A, title III, §352(g), Dec. 26, 2013, 127 Stat. 743.

§ 771. Unauthorized wearing prohibited

Except as otherwise provided by law, no person except a member of the Army, Navy, Air Force, Marine Corps, or Space Force, as the case may be, may wear—

(1) the uniform, or a distinctive part of the uniform, of the Army, Navy, Air Force, Marine Corps, or Space Force; or

(2) a uniform any part of which is similar to a distinctive part of the uniform of the Army, Navy, Air Force, Marine Corps, or Space Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 34; Pub. L. 116-283, div. A, title IX, §924(b)(3)(N), Jan. 1, 2021, 134 Stat. 3821.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
771 .....	10:1393 (1st par., less provisos).	June 3, 1916, ch. 134, §125 (1st par., less provisos), 39 Stat. 216.

The words “Except as otherwise provided by law” are inserted to give effect to exceptions in other revised sections of this title and to provisions of other laws giving such organizations as the Coast and Geodetic Survey and the Public Health Service permission to wear military uniforms under certain conditions.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps” wherever appearing.

§ 771a. Disposition on discharge

(a) Except as provided in subsections (b) and (c), when an enlisted member of an armed force

is discharged, the exterior articles of uniform in his possession that were issued to him, other than those that he may wear from the place of discharge to his home under section 772(d) of this title, shall be retained for military use.

(b) When an enlisted member of an armed force is discharged for bad conduct, undesirability, unsuitability, inaptitude, or otherwise than honorably—

(1) the exterior articles of uniform in his possession shall be retained for military use;

(2) under such regulations as the Secretary concerned prescribes, a suit of civilian clothing and an overcoat when necessary, both to cost not more than \$30, may be issued to him; and

(3) if he would be otherwise without funds to meet his immediate needs, he may be paid an amount, fixed by the Secretary concerned, of not more than \$25.

(c) When an enlisted member of the Army National Guard or the Air National Guard who has been called into Federal service is released from that service, the exterior articles of uniform in his possession shall be accounted for as property issued to the Army National Guard or the Air National Guard, as the case may be, of the State or territory, Puerto Rico, or the District of Columbia of whose Army National Guard or Air National Guard he is a member, as prescribed in section 708 of title 32.

(Added Pub. L. 90-235, §8(1)(A), Jan. 2, 1968, 81 Stat. 763; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059.)

Editorial Notes

AMENDMENTS

1988—Subsec. (c). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico.”

§ 772. When wearing by persons not on active duty authorized

(a) A member of the Army National Guard or the Air National Guard may wear the uniform prescribed for the Army National Guard or the Air National Guard, as the case may be.

(b) A member of the Naval Militia may wear the uniform prescribed for the Naval Militia.

(c) A retired officer of the Army, Navy, Air Force, Marine Corps, or Space Force may bear the title and wear the uniform of his retired grade.

(d) A person who is discharged honorably or under honorable conditions from the Army, Navy, Air Force, Marine Corps, or Space Force may wear his uniform while going from the place of discharge to his home, within three months after his discharge.

(e) A person not on active duty who served honorably in time of war in the Army, Navy, Air Force, Marine Corps, or Space Force may bear the title, and, when authorized by regulations prescribed by the President, wear the uniform, of the highest grade held by him during that war.

(f) While portraying a member of the Army, Navy, Air Force, Marine Corps, or Space Force, an actor in a theatrical or motion-picture production may wear the uniform of that armed