

acts, with the exception of the provisions similar to par. (2) which first appeared in the act of July 1, 1943:

Oct. 12, 1984, Pub. L. 98-473, title I, §101(h)[title VIII, §8006], 98 Stat. 1904, 1923.

Dec. 8, 1983, Pub. L. 98-212, title VII, §§706, 709, 97 Stat. 1437, 1439.

Dec. 21, 1982, Pub. L. 97-377, title I, §101(c)[title VII, §§706, 709], 96 Stat. 1833, 1850, 1851.

Dec. 29, 1981, Pub. L. 97-114, title VII, §§706, 709, 95 Stat. 1578, 1579.

Dec. 15, 1980, Pub. L. 96-527, title VII, §§706, 709, 94 Stat. 3081.

Dec. 21, 1979, Pub. L. 96-154, title VII, §§706, 709, 93 Stat. 1152, 1153.

Oct. 13, 1978, Pub. L. 95-457, title VIII, §§806, 809, 92 Stat. 1243, 1244.

Sept. 21, 1977, Pub. L. 95-111, title VIII, §§805, 808, 91 Stat. 899, 900.

Sept. 22, 1976, Pub. L. 94-419, title VII, §§705, 708, 90 Stat. 1291, 1292.

Feb. 9, 1976, Pub. L. 94-212, title VII, §§705, 708, 90 Stat. 168, 169.

Oct. 8, 1974, Pub. L. 93-437, title VIII, §§805, 808, 88 Stat. 1224, 1225.

Jan. 2, 1974, Pub. L. 93-238, title VII, §§705, 708, 87 Stat. 1038, 1039.

Oct. 26, 1972, Pub. L. 92-570, title VII, §§705, 708, 86 Stat. 1196, 1197.

Dec. 18, 1971, Pub. L. 92-204, title VII, §§705, 708, 85 Stat. 727, 728.

Jan. 11, 1971, Pub. L. 91-668, title VIII, §§805, 808, 84 Stat. 2030, 2031.

Dec. 29, 1969, Pub. L. 91-171, title VI, §§605, 608, 83 Stat. 480.

Oct. 17, 1968, Pub. L. 90-580, title V, §§504, 507, 82 Stat. 1129, 1130.

Sept. 29, 1967, Pub. L. 90-96, title VI, §§604, 607, 81 Stat. 242.

Oct. 15, 1966, Pub. L. 89-687, title VI, §§604, 607, 80 Stat. 991.

Sept. 29, 1965, Pub. L. 89-213, title VI, §§604, 607, 79 Stat. 873, 874.

Aug. 19, 1964, Pub. L. 88-446, title V, §§504, 507, 78 Stat. 474, 475.

Oct. 17, 1963, Pub. L. 88-149, title V, §§504, 507, 77 Stat. 264.

Aug. 9, 1962, Pub. L. 87-577, title I, §101, title V, §§504, 507, 76 Stat. 318, 328.

Aug. 17, 1961, Pub. L. 87-144, title I, §101, title II, §201, title VI, §§604, 607, 75 Stat. 365-369, 375, 376.

July 7, 1960, Pub. L. 86-601, title I, §101, title II, §201, title V, §§504, 507, 74 Stat. 338-340, 342, 350.

Aug. 18, 1959, Pub. L. 86-166, title I, §101, title II, §201, title V, §§604, 607, 73 Stat. 366-368, 370, 378, 379.

Aug. 22, 1958, Pub. L. 85-724, title III, §301, title V, §501, title VI, §604, 72 Stat. 713, 714, 721, 722, 723.

Aug. 2, 1957, Pub. L. 85-117, title III, §301, title V, §501, title VI, §604, 71 Stat. 313, 314, 321, 323.

July 2, 1956, ch. 488, title III, §301, title V, §501, title VI, §604, 70 Stat. 456, 457, 464, 465, 467.

July 13, 1955, ch. 358, title III, §301, title V, §501, title VI, §606, 69 Stat. 303, 304, 312, 313, 315.

June 30, 1954, ch. 432, title IV, §401, title VI, §601, title VII, §706, 68 Stat. 338, 339, 347, 348, 350.

Aug. 1, 1953, ch. 305, title III, §301, title V, §501, title VI, §610, 67 Stat. 338, 339, 348, 350.

July 10, 1952, ch. 630, title III, §301, title V, §501, title VI, §612, 66 Stat. 519, 520, 530, 532.

Oct. 18, 1951, ch. 512, title III, §301, title V, §501, title VI, §612, 65 Stat. 426, 429, 443, 446.

Sept. 6, 1950, ch. 896, Ch. X, title III, §301, title V, §501, title VI, §614, 64 Stat. 732, 735, 750, 753.

Oct. 29, 1949, ch. 787, title III, §301, title V, §501, title VI, §616, 63 Stat. 990-992, 1015, 1020.

June 24, 1948, ch. 632, §§1, 11, 62 Stat. 653, 655, 669.

July 30, 1947, ch. 357, title I, §§1, 12, 61 Stat. 555, 557, 572.

July 16, 1946, ch. 583, §§1, 13, 60 Stat. 546-548, 565.

July 3, 1945, ch. 265, §§1, 15, 59 Stat. 388-390, 406.

June 28, 1944, ch. 303, §§1, 15, 58 Stat. 578, 580, 595.

July 1, 1943, ch. 185, §§1, 15, 57 Stat. 352, 354, 369.

July 2, 1942, ch. 477, §§1, 14, 56 Stat. 615, 617, 633.

Dec. 17, 1941, ch. 591, title I, §103, 55 Stat. 813.

June 30, 1941, ch. 262, §1, 55 Stat. 371, 373.

June 13, 1940, ch. 343, §1, 54 Stat. 357-359.

Apr. 26, 1939, ch. 88, §1, 53 Stat. 598, 600.

June 11, 1938, ch. 37, §1, 52 Stat. 648, 649.

July 1, 1937, ch. 423, §1, 50 Stat. 448, 450.

May 15, 1936, ch. 404, §1, title I, 49 Stat. 1284, 1286.

Apr. 9, 1935, ch. 54, §1, title I, 49 Stat. 127, 128.

Apr. 26, 1934, ch. 165, title I, 48 Stat. 619, 621.

Mar. 4, 1933, ch. 281, title I, 47 Stat. 1575, 1577.

July 14, 1932, ch. 482, title I, 47 Stat. 668, 670, 671.

Feb. 23, 1931, ch. 279, title I, 46 Stat. 1281-1284.

May 28, 1930, ch. 348, title I, 46 Stat. 436, 438.

Feb. 28, 1929, ch. 366, title I, 45 Stat. 1354, 1356.

Mar. 23, 1928, ch. 232, title I, 45 Stat. 330, 332.

Feb. 23, 1927, ch. 167, title I, 44 Stat. 1110, 1113.

Apr. 15, 1926, ch. 146, title I, 44 Stat. 259, 262.

Feb. 12, 1925, ch. 225, title I, 43 Stat. 900.

Provisions similar to those in par. (5) of this section were contained in Pub. L. 98-212, title VII, §706, Dec. 8, 1983, 97 Stat. 1437, which was set out as a note under section 138 of this title, prior to repeal by Pub. L. 98-525, §§1403(a)(1), eff. Oct. 1, 1985.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

CHAPTER 49—MISCELLANEOUS PROHIBITIONS AND PENALTIES

Sec.	
971.	Service credit: officers may not count service performed while serving as cadet or midshipman.
972.	Members: effect of time lost.
973.	Duties: officers on active duty; performance of civil functions restricted.
974.	Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.
[975.	Renumbered.]
976.	Membership in military unions, organizing of military unions, and recognition of military unions prohibited.
977.	Conversion of military medical and dental positions to civilian medical and dental positions: limitation.
978.	Drug and alcohol abuse and dependency: testing of new entrants.
979.	Prohibition on loan and grant assistance to persons convicted of certain crimes.
980.	Limitation on use of humans as experimental subjects.
981.	Limitation on number of enlisted aides.
982.	Members: service on State and local juries.
983.	Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.
985.	Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits.
[986.	Repealed.]
987.	Terms of consumer credit extended to members and dependents: limitations.
988.	Prohibition on ownership or trading of stocks in certain companies by certain officials of the Department of Defense.

Editorial Notes

AMENDMENTS

2019—Pub. L. 116-92, div. A, title IX, §921(b), Dec. 20, 2019, 133 Stat. 1561, added item 988.

2016—Pub. L. 114-328, div. A, title VII, §721(a)(2), Dec. 23, 2016, 130 Stat. 2228, added item 977.

2009—Pub. L. 111-84, div. A, title V, §591(b), Oct. 28, 2009, 123 Stat. 2337, substituted “Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians” for “Uniform performance policies for military bands and other musical units” in item 974.

2008—Pub. L. 110-181, div. A, title V, §590(a)(2), title X, §1072(b)(2), Jan. 28, 2008, 122 Stat. 138, 330, added item 974 and struck out item 986 “Security clearances: limitations”.

Pub. L. 110-181, div. A, title X, §1063(c)(6), Jan. 28, 2008, 122 Stat. 323, amended directory language of Pub. L. 109-364, §670(b). See 2006 Amendment note below.

2006—Pub. L. 109-364, div. A, title VI, §670(b), Oct. 17, 2006, 120 Stat. 2269, as amended by Pub. L. 110-181, div. A, title X, §1063(c)(6), Jan. 28, 2008, 122 Stat. 323, added item 987.

Pub. L. 109-163, div. A, title VI, §662(c)(2), Jan. 6, 2006, 119 Stat. 3315, substituted “Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits” for “Persons convicted of capital crimes: denial of certain burial-related benefits” in item 985.

2004—Pub. L. 108-375, div. A, title VI, §651(f)(1), Oct. 28, 2004, 118 Stat. 1972, struck out item 977 “Operation of commissary stores: assignment of active duty members generally prohibited”.

2001—Pub. L. 107-107, div. A, title X, §1048(g)(2), Dec. 28, 2001, 115 Stat. 1228, amended directory language of Pub. L. 106-65. See 1999 Amendment note below.

2000—Pub. L. 106-398, §1 [[div. A], title X, §1071(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-276, added item 986.

1999—Pub. L. 106-65, div. A, title V, §549(a)(2), Oct. 5, 1999, 113 Stat. 611, as amended by Pub. L. 107-107, div. A, title X, §1048(g)(2), Dec. 28, 2001, 115 Stat. 1228, substituted “Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies” for “Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts” in item 983.

1998—Pub. L. 105-261, div. A, title V, §569(b), Oct. 17, 1998, 112 Stat. 2032, struck out item 974 “Civilian employment: enlisted members”.

1997—Pub. L. 105-85, div. A, title X, §1077(a)(2), Nov. 18, 1997, 111 Stat. 1915, added item 985.

1996—Pub. L. 104-201, div. A, title V, §581(c)(3), Sept. 23, 1996, 110 Stat. 2538, struck out “enlisted” after “count” in item 971.

Pub. L. 104-106, div. A, title V, §§541(b), 561(c)(2), Feb. 10, 1996, 110 Stat. 316, 322, substituted “Members: effect of time lost” for “Enlisted members: required to make up time lost” in item 972 and added item 983.

1993—Pub. L. 103-160, div. A, title III, §351(b), Nov. 30, 1993, 107 Stat. 1627, added item 977.

1989—Pub. L. 101-189, div. A, title XVI, §1622(b)(3), Nov. 29, 1989, 103 Stat. 1604, struck out item 975 “Prohibition on the sale of certain defense articles from the stocks of the Department of Defense”.

1988—Pub. L. 100-456, div. A, title V, §521(a)(2), Sept. 29, 1988, 102 Stat. 1973, substituted “Drug and alcohol abuse and dependency: testing of new entrants” for “Mandatory testing for drug, chemical, and alcohol abuse” in item 978.

1987—Pub. L. 100-180, div. A, title V, §513(a)(2), Dec. 4, 1987, 101 Stat. 1091, substituted “Mandatory testing for drug, chemical, and alcohol abuse” for “Denial of entrance into the armed forces of persons dependent on drugs or alcohol” in item 978.

1986—Pub. L. 99-661, div. A, title V, §502(b), Nov. 14, 1986, 100 Stat. 3864, added item 982.

1984—Pub. L. 98-525, title XIV, §1401(c)(2), Oct. 19, 1984, 98 Stat. 2615, added items 979 to 981.

1982—Pub. L. 97-306, title IV, §408(c)(2), Oct. 14, 1982, 96 Stat. 1446, struck out item 977 “Denial of certain benefits to persons who fail to complete at least two years of an original enlistment”.

Pub. L. 97-295, §1(14)(B), Oct. 12, 1982, 96 Stat. 1290, added item 978.

1980—Pub. L. 96-513, title V, §501(12), Dec. 12, 1980, 94 Stat. 2908, substituted “officers on active duty” for “Regular officers” in item 973.

Pub. L. 96-342, title X, §1002(b), Sept. 8, 1980, 94 Stat. 1119, added item 977.

1979—Pub. L. 96-107, title VIII, §821(b), Nov. 9, 1979, 93 Stat. 820, redesignated item 975 relating to membership in military unions as 976.

1978—Pub. L. 95-610, §2(b), Nov. 8, 1978, 92 Stat. 3088, added item 975 relating to military unions.

Pub. L. 95-485, title VIII, §815(b), Oct. 20, 1978, 92 Stat. 1626, added item 975 relating to sale of certain defense articles.

1968—Pub. L. 90-235, §§4(a)(5)(B), 6(a)(6)(B), Jan. 2, 1968, 81 Stat. 759, 762, added items 973 and 974.

1958—Pub. L. 85-861, §1(20), Sept. 2, 1958, 72 Stat. 1442, added items 971 and 972.

Statutory Notes and Related Subsidiaries

ENHANCEMENT OF RECUSAL FOR CONFLICTS OF PERSONAL INTEREST REQUIREMENTS FOR DEPARTMENT OF DEFENSE OFFICERS AND EMPLOYEES

Pub. L. 117-81, div. A, title XI, §1117, Dec. 27, 2021, 135 Stat. 1955, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), in addition to the prohibition set forth in section 208 of title 18, United States Code, an officer or employee of the Department of Defense may not knowingly participate personally and substantially in any particular matter involving specific parties where any of the following organizations is a party or represents a party to the matter:

“(1) Any organization, including a trade organization, for which the officer or employee has served as an employee, officer, director, trustee, or general partner in the past 2 years.

“(2) Any organization with which the officer or employee is seeking employment.

“(b) AUTHORIZATION.—An agency designee may authorize the officer or employee to participate in a matter described in paragraph (a) based on a determination, made in light of all relevant circumstances, that the interest of the Government in the officer or employee’s participation outweighs the concern that a reasonable person may question the integrity of the agency’s programs and operations.

“(c) CONSTRUCTION.—Nothing in this section shall be construed to terminate, alter, or make inapplicable any other prohibition or limitation in law or regulation on the participation of officers or employees of the Department of Defense in particular matters having an effect on their or related financial or other personal interests.”

PROHIBITION ON LOBBYING ACTIVITIES WITH RESPECT TO THE DEPARTMENT OF DEFENSE BY CERTAIN OFFICERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT FOLLOWING SEPARATION FROM MILITARY SERVICE OR EMPLOYMENT WITH THE DEPARTMENT

Pub. L. 115-91, div. A, title X, §1045, Dec. 12, 2017, 131 Stat. 1555, provided that:

“(a) TWO-YEAR PROHIBITION.—

“(1) PROHIBITION.—An individual described in paragraph (2) may not engage in lobbying activities with respect to the Department of Defense during the two-year period beginning on the date of retirement or separation from service in the Armed Forces or the date of retirement or separation from service with the Department, as applicable.

“(2) COVERED INDIVIDUALS.—An individual described in this paragraph is the following:

“(A) An officer of the Armed Forces in grade O-9 or higher at the time of retirement or separation from the Armed Forces.

“(B) A civilian employee of the Department of Defense who had a civilian grade equivalent to a

military grade specified in subparagraph (A) at the time of the employee's retirement or separation from service with the Department.

“(b) ONE-YEAR PROHIBITION.—

“(1) PROHIBITION.—An individual described in paragraph (2) may not engage in lobbying activities with respect to the Department of Defense during the one-year period beginning on the date of retirement or separation from service in the Armed Forces or the date of retirement or separation from service with the Department, as applicable.

“(2) COVERED INDIVIDUALS.—An individual described in this paragraph is the following:

“(A) An officer of the Armed Forces in grade O-7 or O-8 at the time of retirement or separation from the Armed Forces.

“(B) A civilian employee of the Department of Defense who had a civilian grade equivalent to a military grade specified in subparagraph (A) at the time of the employee's retirement or separation from service with the Department.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘lobbying activities with respect to the Department of Defense’ means the following:

“(A) Lobbying contacts and other lobbying activities with covered executive branch officials with respect to the Department of Defense.

“(B) Lobbying contacts with covered executive branch officials described in subparagraphs (C) through (F) of section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) in the Department of Defense.

“(2) The terms ‘lobbying activities’ and ‘lobbying contacts’ have the meaning given such terms in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

“(3) The term ‘covered executive branch official’ has the meaning given that term in section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)).”

§ 971. Service credit: officers may not count service performed while serving as cadet or midshipman

(a) PROHIBITION ON COUNTING ENLISTED SERVICE PERFORMED WHILE AT SERVICE ACADEMY OR IN NAVY RESERVE.—The period of service under an enlistment or period of obligated service while also performing service as a cadet or midshipman or serving as a midshipman in the Navy Reserve may not be counted in computing, for any purpose, the length of service of an officer of an armed force or an officer in the Commissioned Corps of the Public Health Service.

(b) PROHIBITION ON COUNTING SERVICE AS A CADET OR MIDSHIPMAN.—In computing length of service for any purpose, service as a cadet or midshipman may not be credited to any of the following officers:

- (1) An officer of the Navy or Marine Corps.
- (2) A commissioned officer of the Army, Air Force, or Space Force.
- (3) An officer of the Coast Guard.
- (4) An officer in the Commissioned Corps of the Public Health Service.

(c) SERVICE AS A CADET OR MIDSHIPMAN DEFINED.—In this section, the term “service as a cadet or midshipman” means—

- (1) service as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or
- (2) service as a midshipman at the United States Naval Academy.

(Added Pub. L. 85-861, §1(20), Sept. 2, 1958, 72 Stat. 1442; amended Pub. L. 90-235, §6(a) (1), Jan.

2, 1968, 81 Stat. 761; Pub. L. 98-557, §17(a), Oct. 30, 1984, 98 Stat. 2867; Pub. L. 101-189, div. A, title VI, §652(a)(1)(A), (2), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 104-201, div. A, title V, §581, Sept. 23, 1996, 110 Stat. 2537; Pub. L. 105-85, div. A, title X, §1073(a)(13), Nov. 18, 1997, 111 Stat. 1900; Pub. L. 109-163, div. A, title V, §515(b)(1)(D), (2), Jan. 6, 2006, 119 Stat. 3233, 3234; Pub. L. 116-283, div. A, title IX, §924(b)(22), Jan. 1, 2021, 134 Stat. 3824.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
971	50:1414.	June 25, 1956, ch. 439, §4, 70 Stat. 333.

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(2). Pub. L. 116-283 substituted “, Air Force, or Space Force” for “or Air Force”.

2006—Subsec. (a). Pub. L. 109-163 substituted “NAVY RESERVE” for “NAVAL RESERVE” in heading and “Navy Reserve” for “Naval Reserve” in text.

1997—Subsec. (b)(4). Pub. L. 105-85 substituted “Commissioned Corps” for “commissioned corps”.

1996—Pub. L. 104-201, §581(c)(3), struck out “enlisted” after “count” in section catchline.

Subsec. (a). Pub. L. 104-201, §581(a), (c)(2), inserted heading, substituted “while also performing service as a cadet or midshipman or serving as a midshipman” for “while also serving as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy or”, and inserted before period at end “or an officer in the Commissioned Corps of the Public Health Service”.

Subsec. (b). Pub. L. 104-201, §581(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In computing length of service for any purpose—

“(1) no officer of the Navy or Marine Corps may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy;

“(2) no commissioned officer of the Army or Air Force may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; and

“(3) no officer of the Coast Guard may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.”

Subsec. (c). Pub. L. 104-201, §581(c)(1), added subsec. (c).

1989—Subsec. (a). Pub. L. 101-189, §652(a)(1)(A), struck out “, under an appointment accepted after June 25, 1956,” after “Naval Reserve”.

Subsec. (b)(1). Pub. L. 101-189, §652(a)(2)(A), struck out “, if he was appointed as a midshipman or cadet after March 4, 1913” after “United States Coast Guard Academy”.

Subsec. (b)(2). Pub. L. 101-189, §652(a)(2)(B), struck out “, if he was appointed as a midshipman or cadet after August 24, 1912” after “United States Coast Guard Academy”.

1984—Subsec. (b)(3). Pub. L. 98-557 added par. (3).
1968—Pub. L. 90-235 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities