

## HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)                                     |
|-----------------|--------------------|--|
| 978 .....       | 10:1071 (note).    | Sept. 28, 1971, Pub. L. 92-129, §501(a)(2), (b), 85 Stat. 361. |

The word “regulations” is added for consistency. The word “persons” is omitted as surplus. The word “person” is substituted for “individuals” for consistency. The text of subsection (b) is omitted as executed.

**Editorial Notes**

## AMENDMENTS

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1993—Subsec. (a)(3). Pub. L. 103-160 substituted “within 72 hours of such appointment” for “during the physical examination given the applicant before such appointment” and “before such an appointment is executed” for “during the precommissioning physical examination given such person”.

1990—Subsec. (c)(3). Pub. L. 101-510 struck out “a” before “whose enlistment”.

1989—Subsec. (a)(1). Pub. L. 101-189, §513(a)(2), added par. (1) and struck out former par. (1) which read as follows: “Except as provided in paragraph (2), the Secretary concerned shall require each member of the armed forces under the Secretary’s jurisdiction, within 72 hours after the member’s initial entry on active duty after enlistment or appointment, to—

“(A) undergo testing (by practicable, scientifically supported means) for drug and alcohol use; and

“(B) be evaluated for drug and alcohol dependency.”

Subsec. (a)(2), (3). Pub. L. 101-189, §513(a), added par. (2) and redesignated former par. (2) as (3).

Subsec. (b). Pub. L. 101-189, §513(b)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “A person who refuses to consent to testing and evaluation required by subsection (a) may not be retained in the armed forces, and any original appointment of such person as an officer shall be terminated, unless that person consents to such testing and evaluation.”

Subsec. (c)(1). Pub. L. 101-189, §513(b)(2)(B), added par. (1). Former par. (1) redesignated (2).

Subsec. (c)(2). Pub. L. 101-189, §513(b)(2)(A), (C), redesignated par. (1) as (2) and substituted “subsection (a)(2)” for “subsection (a)(1)(B)”. Former par. (2) redesignated (3).

Subsec. (c)(3). Pub. L. 101-189, §513(b)(2)(A), (D), redesignated par. (2) as (3), inserted “who is denied entrance into the armed forces under paragraph (1), or a” after “A person”, and substituted “paragraph (2),” for “paragraph (1)”.

Subsec. (c)(4). Pub. L. 101-189, §513(c), added par. (4).

1988—Pub. L. 100-456 substituted “Drug and alcohol abuse and dependency: testing of new entrants” for “Mandatory testing for drug, chemical, and alcohol abuse” in section catchline, and amended text generally. Prior to amendment, text read as follows:

“(a) Before a person becomes a member of the armed forces, such person shall be required to undergo testing for drug, chemical, and alcohol use and dependency.

“(b) A person who refuses to consent to testing required by subsection (a) may not be accepted for an original enlistment in the armed forces or given an original appointment as an officer in the armed forces unless that person consents to such testing.

“(c) A person determined, as the result of testing conducted under subsection (a), to be dependent on drugs, chemicals, or alcohol shall be—

“(1) denied entrance into the armed forces; and

“(2) referred to a civilian treatment facility.

“(d) The testing required by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense in consultation with the Secretary of

Transportation. Those regulations shall apply uniformly throughout the armed forces.”

1987—Pub. L. 100-180 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 section catchline, and amended text generally, revising and restating as subsecs. (a) to (d) provisions formerly contained in subsecs. (a) and (b).

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

## EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title V, §513(d), Nov. 29, 1989, 103 Stat. 1441, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall take effect as of October 1, 1989.”

## REGULATIONS; IMPLEMENTATION OF PROGRAM

Pub. L. 100-456, div. A, title V, §521(b), (c), Sept. 29, 1988, 102 Stat. 1973, provided that:

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the implementation of section 978 of title 10, United States Code, as amended by subsection (a), not later than 60 days after the date of the enactment of this Act [Sept. 29, 1988].

“(c) EFFECTIVE DATE.—The testing and evaluation program prescribed by that section shall be implemented not later than October 1, 1989.”

## IMPLEMENTATION

Pub. L. 100-180, div. A, title V, §513(b), Dec. 4, 1987, 101 Stat. 1091, as amended by Pub. L. 100-456, div. A, title V, §521(d), Sept. 29, 1988, 102 Stat. 1973, provided that:

“(1) The Secretary of Defense shall prescribe regulations for the implementation of section 978 of title 10, United States Code, as amended by subsection (a), not later than 45 days after the date of the enactment of this Act [Dec. 4, 1987].

“(2) [Repealed. Pub. L. 100-456, div. A, title V, §521(d), Sept. 29, 1988, 102 Stat. 1973].”

**§ 979. Prohibition on loan and grant assistance to persons convicted of certain crimes**

Funds appropriated to the Department of Defense may not be used to provide a loan, a guarantee of a loan, or a grant to any person who has been convicted by a court of general jurisdiction of any crime which involves the use of (or assisting others in the use of) force, trespass, or the seizure of property under the control of an institution of higher education to prevent officials or students of the institution from engaging in their duties or pursuing their studies.

(Added Pub. L. 98-525, title XIV, §1401(c)(1), Oct. 19, 1984, 98 Stat. 2615.)

**Editorial Notes**

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, §101(h) [title VIII, §8027], Oct. 12, 1984, 98 Stat. 1904, 1928.

Pub. L. 98-212, title VII, §732, Dec. 8, 1983, 97 Stat. 1444.

Pub. L. 97-377, title I, §101(c) [title VII, §735], Dec. 21, 1982, 96 Stat. 1833, 1856.

Pub. L. 97-114, title VII, §736, Dec. 29, 1981, 95 Stat. 1585.

Pub. L. 96-527, title VII, §737, Dec. 15, 1980, 94 Stat. 3087.

Pub. L. 96-154, title VII, §739, Dec. 21, 1979, 93 Stat. 1159.

Pub. L. 95-457, title VIII, §839, Oct. 13, 1978, 92 Stat. 1250.

Pub. L. 95-111, title VIII, §838, Sept. 21, 1977, 91 Stat. 906.

Pub. L. 94-419, title VII, §737, Sept. 22, 1976, 90 Stat. 1297.

Pub. L. 94-212, title VII, §737, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93-437, title VIII, §838, Oct. 8, 1974, 88 Stat. 1231.

Pub. L. 93-238, title VII, §740, Jan. 2, 1974, 87 Stat. 1045.

Pub. L. 92-570, title VII, §740, Oct. 26, 1972, 86 Stat. 1203.

Pub. L. 92-204, title VII, §741, Dec. 18, 1971, 85 Stat. 734.

Pub. L. 91-668, title VIII, §841, Jan. 11, 1971, 84 Stat. 2037.

Pub. L. 91-171, title VI, §641, Dec. 29, 1969, 83 Stat. 486.

Pub. L. 90-580, title V, §540, Oct. 17, 1968, 82 Stat. 1136.

#### 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.

#### § 980. Limitation on use of humans as experimental subjects

(a) Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless—

(1) the informed consent of the subject is obtained in advance; or

(2) in the case of research intended to be beneficial to the subject, the informed consent of the subject or a legal representative of the subject is obtained in advance.

(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project may directly benefit the subject and is carried out in accordance with all other applicable laws.

(Added Pub. L. 98-525, title XIV, §1401(c)(1), Oct. 19, 1984, 98 Stat. 2615; amended Pub. L. 107-107, div. A, title VII, §733, Dec. 28, 2001, 115 Stat. 1170.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, §101(h)[title VIII, §8029], Oct. 12, 1984, 98 Stat. 1904, 1929.

Pub. L. 98-212, title VII, §734, Dec. 8, 1983, 97 Stat. 1444.

Pub. L. 97-377, title I, §101(c)[title VII, §737], Dec. 21, 1982, 96 Stat. 1833, 1857.

Pub. L. 97-114, title VII, §738, Dec. 29, 1981, 95 Stat. 1585.

Pub. L. 96-527, title VII, §739, Dec. 15, 1980, 94 Stat. 3088.

Pub. L. 96-154, title VII, §741, Dec. 21, 1979, 93 Stat. 1159.

Pub. L. 95-457, title VIII, §841, Oct. 13, 1978, 92 Stat. 1251.

Pub. L. 95-111, title VIII, §840, Sept. 21, 1977, 91 Stat. 906.

Pub. L. 94-419, title VII, §739, Sept. 22, 1976, 90 Stat. 1297.

Pub. L. 94-212, title VII, §740, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93-437, title VIII, §841, Oct. 8, 1974, 88 Stat. 1231.

Pub. L. 93-238, title VII, §743, Jan. 2, 1974, 87 Stat. 1045.

Pub. L. 92-570, title VII, §745, Oct. 26, 1972, 86 Stat. 1203.

##### AMENDMENTS

2001—Pub. L. 107-107 designated existing provisions as subsec. (a) and added subsec. (b).

#### 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.

#### § 981. Limitation on number of enlisted aides

(a) Subject to subsection (b), the total number of enlisted members that may be assigned or otherwise detailed to duty as enlisted aides on the personal staffs of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard (when operating as a service of the Navy) during a fiscal year is the number equal to the sum of (1) four times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of general or admiral, and (2) two times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of lieutenant general or vice admiral.

(b) Not more than 300 enlisted members may be assigned to duty at any time as enlisted aides for officers of the Army, Navy, Air Force, and Marine Corps.

(c) Not later than March 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) specifying the number of enlisted aides authorized and allocated for general officers and flag officers of the Army, Navy, Air Force, Marine Corps, and joint pool as of September 30 of the previous year; and

(2) justifying, on a billet-by-billet basis, the authorization and assignment of each enlisted aide to each general officer and flag officer position.

(Added Pub. L. 98-525, title XIV, §1401(c)(1), Oct. 19, 1984, 98 Stat. 2615; amended Pub. L. 113-291, div. A, title V, §504(a), Dec. 19, 2014, 128 Stat. 3355.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in subsec. (a) of this section were contained in Pub. L. 94-106, title VIII, §820(a), Oct. 7, 1975, 89 Stat. 544, prior to repeal by Pub. L. 98-525, §§1403(c), 1404, eff. Oct. 1, 1985.

Provisions similar to those in subsec. (b) of this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, §101(h)[title VIII, §8034], Oct. 12, 1984, 98 Stat. 1904, 1930.

Pub. L. 98-212, title VII, §742, Dec. 8, 1983, 97 Stat. 1446.