

**Editorial Notes**

## REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsecs. (a)(1), (3)(C), (8) and (b)(2)(A)(i), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Sections 4310, 5211(b), and 8101 of the Act are classified to sections 7221i, 7345(b), and 7801, respectively, of Title 20, Education. Part A of title I of the Act is classified generally to part A (§6311 et seq.) of subchapter I of chapter 70 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (a)(2)(A)(ii), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Richard B. Russell National School Lunch Act, referred to in subsec. (a)(3)(A), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (a)(3)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Higher Education Act of 1965, referred to in subsec. (e)(4), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

## AMENDMENTS

2021—Subsec. (b). Pub. L. 117-81, §551(a), substituted “shall” for “may” in introductory provisions.

Subsecs. (i), (j). Pub. L. 117-81, §551(b), added subsec. (i) and redesignated former subsec. (i) as (j).

Subsec. (k). Pub. L. 117-81, §551(c), added subsec. (k).

2018—Subsec. (d)(2)(B). Pub. L. 115-232, §554(a), inserted “(A)(iii),” after “(A)(i),” and “transferred to the Retired Reserve, or” after “member is retired,” and substituted “separated or released” for “separated, or released”.

Subsec. (d)(3)(D). Pub. L. 115-232, §554(b), inserted “, the transfer of the member to the Retired Reserve,” after “retirement of the member” and “transfer,” after “after the retirement.”

2015—Subsec. (a)(1). Pub. L. 114-95, §9215(uuu)(2)(A), substituted “section 4310 of the Elementary and Secondary Education Act of 1965” for “section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1))”.

Subsec. (a)(3)(C). Pub. L. 114-95, §9215(uuu)(2)(B), substituted “section 5211(b) of the Elementary and Secondary Education Act of 1965” for “section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b))”.

Subsec. (a)(8). Pub. L. 114-95, §9215(uuu)(2)(C), substituted “section 8101 of the Elementary and Secondary Education Act of 1965” for “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)”.

2014—Subsec. (a)(2)(A)(ii). Pub. L. 113-291 substituted “20 U.S.C. 1411” for “20 U.S.C.1411”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

## TRANSFER OF FUNCTIONS FOR TROOPS-TO-TEACHERS PROGRAM; EXISTING AGREEMENTS

Pub. L. 112-239, div. A, title V, §541(a), Jan. 2, 2013, 126 Stat. 1728, provided that:

“(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 ([former] 20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.

“(2) MEMORANDUM OF AGREEMENT.—In connection with the transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense under paragraph (1), the Secretaries shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

“(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in subsection (a) of section 1154 of title 10, United States Code, as added by subsection (b)).

“(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in subsection (d) of such section 1154 to become participants in the Program, to meet the requirements necessary to become a teacher in a school described in subsection (b)(2) of such section 1154, and to find post-service employment in an eligible school.

“(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

“(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

“(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in subsection (a) of such section 1154).

“(3) EFFECTIVE DATE.—The transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program under paragraph (1) shall take effect—

“(A) on the first day of the first month beginning more than 90 days after the date of the enactment of this Act [Jan. 2, 2013]; or

“(B) on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.”

Pub. L. 112-239, div. A, title V, §541(d)(3), Jan. 2, 2013, 126 Stat. 1735, provided that: “The repeal of chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 ([former] 20 U.S.C. 6671 et seq.) by paragraph (1) shall not affect—

“(A) the validity or terms of any agreement entered into under such chapter, as in effect immediately before such repeal, before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a) [set out as a note above]; or

“(B) the authority to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a).”

**§ 1155. Statement of benefits**

(a) BEFORE SEPARATION.—Not later than 30 days before a member retires, is released, is discharged, or otherwise separates from the armed forces (or as soon as is practicable in the case of an unanticipated separation), the Secretary concerned shall provide that member with a current assessment of all benefits to which that member may be entitled under laws administered by—

- (1) the Secretary of Defense; and
- (2) the Secretary of Veterans Affairs.

(b) STATEMENT FOR RESERVES.—The Secretary concerned shall provide a member of a reserve component with a current assessment of benefits described in subsection (a) upon release of that member from active duty.

(Added Pub. L. 115–232, div. A, title V, § 522(a), Aug. 13, 2018, 132 Stat. 1756.)

#### CHAPTER 59—SEPARATION

- Sec.  
1161. Commissioned officers: limitations on dismissal.  
[1162, 1163. Repealed.]  
1164. Warrant officers: separation for age.  
1165. Regular warrant officers: separation during three-year probationary period.  
1166. Regular warrant officers: elimination for unfitness or unsatisfactory performance.  
1167. Members under confinement by sentence of court-martial: separation after six months confinement.  
1168. Discharge or release from active duty: limitations.  
1169. Regular enlisted members: limitations on discharge.  
1170. Regular enlisted members: minority discharge.  
1171. Regular enlisted members: early discharge.  
1172. Enlisted members: during war or emergency; discharge.  
1173. Enlisted members: discharge for hardship.  
1174. Separation pay upon involuntary discharge or release from active duty.  
1174a. Special separation benefits programs.  
1175. Voluntary separation incentive.  
1175a. Voluntary separation pay and benefits.  
1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service.  
1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation.  
1178. System and procedures for tracking separations resulting from refusal to participate in anthrax vaccine immunization program.

#### Editorial Notes

##### AMENDMENTS

2009—Pub. L. 111–84, div. A, title V, § 512(a)(2), Oct. 28, 2009, 123 Stat. 2281, added item 1177.

2006—Pub. L. 109–163, div. A, title VI, § 643(a)(2), Jan. 6, 2006, 119 Stat. 3309, added item 1175a.

2000—Pub. L. 106–398, § 1 [[div. A], title VII, § 751(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–193, added item 1178.

1996—Pub. L. 104–134, title II, § 2707(a)(2), Apr. 26, 1996, 110 Stat. 1321–330, struck out item 1177 “Members infected with HIV–1 virus: mandatory discharge or retirement”.

Pub. L. 104–106, div. A, title V, §§ 563(a)(1)(B), 567(a)(2), Feb. 10, 1996, 110 Stat. 325, 329, added item 1167 and substituted “Members infected with HIV–1 virus: mandatory discharge or retirement” for “Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling” in item 1177.

1994—Pub. L. 103–337, div. A, title V, § 560(a)(2), title XVI, § 1671(b)(10), Oct. 5, 1994, 108 Stat. 2778, 3013, struck out items 1162 “Reserves: discharge” and 1163 “Reserve components: members; limitations on separation” and added item 1177.

1992—Pub. L. 102–484, div. A, title V, § 541(b), Oct. 23, 1992, 106 Stat. 2413, added item 1176.

1991—Pub. L. 102–190, div. A, title VI, §§ 661(a)(2), 662(a)(2), Dec. 5, 1991, 105 Stat. 1395, 1398, added items 1174a and 1175.

1980—Pub. L. 96–513, title V, § 501(15), Dec. 12, 1980, 94 Stat. 2908, struck out item 1167 “Regular warrant officers: severance pay” and added item 1174.

1973—Pub. L. 93–64, title I, § 102, July 9, 1973, 87 Stat. 147, added item 1173.

1968—Pub. L. 90–235, § 3(a)(1)(B), Jan. 2, 1968, 81 Stat. 757, added items 1169 to 1172.

1962—Pub. L. 87–651, title I, § 106(c), Sept. 7, 1962, 76 Stat. 508, added item 1168.

#### Statutory Notes and Related Subsidiaries

##### LIMITATION ON CERTAIN DISCHARGES SOLELY ON THE BASIS OF FAILURE TO OBEY LAWFUL ORDER TO RECEIVE COVID–19 VACCINE

Pub. L. 117–81, div. A, title VII, § 736, Dec. 27, 2021, 135 Stat. 1800, provided that:

“(a) LIMITATION.—During the period of time beginning on August 24, 2021, and ending on the date that is two years after the date of the enactment of this Act [Dec. 27, 2021], any administrative discharge of a covered member, on the sole basis that the covered member failed to obey a lawful order to receive a vaccine for COVID–19, shall be—

“(1) an honorable discharge; or

“(2) a general discharge under honorable conditions.

“(b) DEFINITIONS.—In this section:

“(1) The terms ‘Armed Forces’ and ‘military departments’ have the meanings given such terms in section 101 of title 10, United States Code.

“(2) The term ‘covered member’ means a member of an Armed Force under the jurisdiction of the Secretary of a military department.”

##### LIMITATIONS AND REQUIREMENTS IN CONNECTION WITH SEPARATIONS FOR MEMBERS OF THE ARMED FORCES WHO SUFFER FROM MENTAL HEALTH CONDITIONS IN CONNECTION WITH A SEX-RELATED, INTIMATE PARTNER VIOLENCE-RELATED, OR SPOUSAL-ABUSE OFFENSE

Pub. L. 116–92, div. A, title V, § 570A, Dec. 20, 2019, 133 Stat. 1398, provided that:

“(a) CONFIRMATION OF DIAGNOSIS OF CONDITION REQUIRED BEFORE SEPARATION.—Before a member of the Armed Forces who was the victim of a sex-related offense, an intimate partner violence-related offense, or a spousal-abuse offense during service in the Armed Forces (whether or not such offense was committed by another member of the Armed Forces), and who has a mental health condition not amounting to a physical disability, is separated, discharged, or released from the Armed Forces based solely on such condition, the diagnosis of such condition must be—

“(1) corroborated by a competent mental health care professional at the peer level or a higher level of the health care professional making the diagnosis; and

“(2) endorsed by the Surgeon General of the military department concerned.

“(b) NARRATIVE REASON FOR SEPARATION IF MENTAL HEALTH CONDITION PRESENT.—If the narrative reason for separation, discharge, or release from the Armed Forces of a member of the Armed Forces is a mental health condition that is not a disability, the appropriate narrative reason for the separation, discharge, or release shall be a condition, not a disability, or Secretarial authority.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘intimate partner violence-related offense’ means the following:

“(A) An offense under section 928 or 930 of title 10, United States Code (article 128 or 130 of the Uniform Code of Military Justice).

“(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

“(2) The term ‘sex-related offense’ means the following:

“(A) An offense under section 920 or 920b of title 10, United States Code (article 120 or 120b of the Uniform Code of Military Justice).