

The words “may be called” are substituted for the words “shall be known as” and “may be specifically referred to”. The words “of that branch” are substituted for the enumeration of branches.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3282 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 7153. Commissioned officers: appointment without specification of branch; transfer between branches

(a) Appointments in commissioned grades in the Regular Army shall be made without specification of branch except in each of the special branches and as professors or director of admissions of the United States Military Academy.

(b) Commissioned officers appointed in the Regular Army without specification of branch shall be assigned, and may be transferred and reassigned, by the Secretary of the Army to branches other than the special branches, according to their professional qualifications and the needs of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 181, § 3283; Pub. L. 85-600, § 1(4), Aug. 6, 1958, 72 Stat. 522; Pub. L. 95-485, title VIII, § 820(d)(1), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 95-551, § 2, Oct. 30, 1978, 92 Stat. 2069; renumbered § 7153, Pub. L. 115-232, div. A, title VIII, § 808(b)(3), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|---|
| 3283(a) | 10:506(b) (2d sentence). | Aug. 7, 1947, ch. 512, § 502(b) (2d sentence), |
| 3283(b) | 10:506(c) (1st sentence). | (c) (less proviso), 61 |
| | 10:506(c) (less 1st sentence and less proviso). | Stat. 884; June 12, 1948, ch. 449, § 104(d)(1), 62 Stat. 358. |

Subsection (a) is substituted for 10:506(b) (2d sentence) and 506(c) (1st sentence). The words “in each of the special branches” are substituted for the enumeration of branches in 10:506(b) (2d sentence) and for the words “each of the several corps of the Army Medical Service, as chaplains”, in 10:506(c).

In subsection (b), the words “other than the special branches and the Women’s Army Corps” are substituted for 10:506(c) (words between 3d and 4th parentheses). The word “their” is substituted for the words “of the officers concerned”. The words “of the Army” are substituted for the words “of the branches, arms, and services”. The words “from time to time” and “arms, and services” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3283 of this title as this section.

1978—Subsec. (a). Pub. L. 95-551 substituted “director of admissions” for “registrar”.

Pub. L. 95-485 struck out “, in the Women’s Army Corps,” after “special branches”.

Subsec. (b). Pub. L. 95-485 struck out “and the Women’s Army Corps” after “special branches”.

1958—Subsec. (a). Pub. L. 85-600 inserted reference to registrar of the Military Academy.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 719—TEMPORARY APPOINTMENTS

Sec.

7176. Retention on active duty.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 339 of this title as this chapter and item 3446 as 7176.

1980—Pub. L. 96-513, title V, § 502(11), Dec. 12, 1980, 94 Stat. 2910, struck out items 3441 “General rule”, 3442 “Commissioned officers; regular and reserve components: appointment in higher grade”, 3444 “Commissioned officers: during war or emergency”, 3445 “Officers: additional appointments during war or emergency”, 3447 “Appointments in commissioned grade: how made; how terminated”, 3448 “Warrant officers: grades, appointment”, 3449 “Warrant officers: promotion”, 3451 “Officers: acceptance of appointment in higher grade”, and 3452 “Officers; Medical and Dental Corps: temporary promotion to captain”.

1968—Pub. L. 90-235, § 3(b)(2), Jan. 2, 1968, 81 Stat. 758, struck out item 3450 “Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency”.

1958—Pub. L. 85-861, § 1(81)(F), (G), Sept. 2, 1958, 72 Stat. 1480, struck out item 3443 “Commissioned officers; Reserves; appointment in higher or lower grade” and added item 3452.

§ 7176. Retention on active duty

The President may retain on active duty a disabled officer until—

(1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or

(2) the officer is processed for physical disability benefits provided by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 196, § 3446; Pub. L. 85-861, § 1(81)(C), Sept. 2, 1958, 72 Stat. 1480; Pub. L. 101-189, div. A, title XVI, § 1621(a)(10), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 102-25, title VII, § 701(j)(6), Apr. 6, 1991, 105 Stat. 116; renumbered § 7176, Pub. L. 115-232, div. A, title VIII, § 808(b)(4), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES 1956 ACT

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---------------------------------------|
| 3446 | 10:499. | June 19, 1948, ch. 511, 62 Stat. 489. |

The word “shall” is substituted for the words “authorized and directed”. The words “on active duty” are substituted for the words “in service”. The words “warrant officers, and flight officers” are omitted, since the

definition of “officer” in section 101(14) of this title covers commissioned, warrant, and flight officers. The words “who has only a temporary appointment” are substituted for the words “of the Army * * * of the United States”. The words “his physical condition is such that he” are substituted for the words “their treatment for physical reconstruction has reached a point where they”. The words “in the Army” are substituted for the words “in the military service”.

1958 ACT

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---------------------------------------|
| 3446 | 10 App.:499. | June 15, 1956, ch. 388, 70 Stat. 282. |

The words “commissioned officers and warrant” are omitted as covered by the definition of the word “officer” in section 101(14) of this title. The words “condition is such that” are substituted for the words “reconstruction has reached a point where”.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3446 of this title as this section.

1991—Par. (2). Pub. L. 102-25 struck out “as” before “provided by law”.

1989—Pub. L. 101-189 amended section generally. Prior to amendment, section read as follows: “Notwithstanding any other provision of law, the President may retain on active duty a disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans’ Administration hospital or until he is processed for physical disability benefits provided by law.”

1958—Pub. L. 85-861 substituted “may retain on active duty a disabled officer” for “shall retain on active duty any disabled officer who has only a temporary appointment”, and “military or Veterans’ Administration hospital or until he is processed for physical disability benefits provided by law” for “military hospital or in the Army”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 721—ACTIVE DUTY

| | |
|-------|--|
| Sec. | |
| 7191. | Non-regular officers: status. |
| 7203. | Retired commissioned officers: status. |

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 341 of this title as this chapter and items 3491 and 3503 as 7191 and 7203, respectively.

1994—Pub. L. 103-337, div. A, title XVI, § 1672(b)(4), Oct. 5, 1994, 108 Stat. 3015, struck out items 3495 “Army National Guard of United States: status”, 3496 “Army National Guard of United States: commissioned officers; duty in National Guard Bureau”, 3497 “Army National Guard of United States: members; status in which ordered into Federal service”, 3498 “Army National Guard of United States: mobilization; maintenance of organization”, 3499 “Army National Guard in Federal service: status”, 3500 “Army National Guard in Federal service: call”, 3501 “Army National Guard in

Federal service: period of service; apportionment”, and 3502 “Army National Guard in Federal service: physical examination”.

1980—Pub. L. 96-513, title V, § 502(12), Dec. 12, 1980, 94 Stat. 2910, struck out item 3494 “Commissioned officers: grade in which ordered to active duty” and item 3504 “Retired members: limitations; grade”.

1968—Pub. L. 90-235, § 1(a)(3), (b), Jan. 2, 1968, 81 Stat. 753, struck out item 3492 “Members: service extension during war”, and item 3493 “Army Reserve: commissioned officers with Corps of Engineers”.

1958—Pub. L. 85-861, § 1(82)(B), Sept. 2, 1958, 72 Stat. 1481, added item 3494.

§ 7191. Non-regular officers: status

A commissioned officer of the Army, other than of the Regular Army, who is on active duty in any commissioned grade has the rights and privileges, and is entitled to the benefits, provided by law for a commissioned officer of the Army Reserve—

- (1) whose reserve grade is that in which the officer not of the Regular Army is serving;
- (2) who has the same length of service as the officer not of the Regular Army; and
- (3) who is on active duty in his reserve grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 198, § 3491; renumbered § 7191, Pub. L. 115-232, div. A, title VIII, § 808(b)(5), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 3491 | 10:506d(h). | Aug. 7, 1947, ch. 512, § 515(h), 61 Stat. 908. |

The first 12 words are substituted for 10:506d(h) (1st 11 words). The words “has the rights and privileges, and is entitled to the benefits” are substituted for the words “shall be entitled * * * to the same rights, privileges, and benefits”. Clause (1) is substituted for the words “in a grade the same as such ‘active-duty grade’”. The words “as the officer not of the Regular Army” are substituted for the words “holding appointment in the Army Reserve”. The words “his reserve grade” are substituted for the words “the grade held in the Army Reserve”.

Editorial Notes

PRIOR PROVISIONS

Prior section 7201, act Aug. 10, 1956, ch. 1041, 70A Stat. 442, authorized Secretary of the Navy to conduct research and development relating to guided missiles and to procure and construct guided missiles, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 824(a)(1), Nov. 30, 1993, 107 Stat. 1707.

Prior section 7202, act Aug. 10, 1956, ch. 1041, 70A Stat. 442, related to authority of Secretary of the Navy to provide for emergency and extraordinary expenses and to delegation of such authority to other persons in the Department of the Navy, prior to repeal by Pub. L. 94-106, title VIII, § 804(b), Oct. 7, 1975, 89 Stat. 538. See section 127 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3491 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and