§ 741

CHAPTER 43—RANK AND COMMAND

Sec.
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743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps.

744. Physician to White House: assignment; grade.

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749. Command: commissioned officers in same grade or corresponding grades on duty at same place.

750. Command: retired officers.

AMENDMENTS


CROSS REFERENCES

Particular provisions relating to rank and command—

Air Force, see section 8572 et seq. of this title.

Army, see section 3572 et seq. of this title.

Navy and Marine Corps, see sections 5508, 5942 et seq. of this title.

§ 741. Rank: commissioned officers of the armed forces

(a) Among the grades listed below, the grades of general and admiral are equivalent and are senior to other grades and the grades of second lieutenant and ensign are equivalent and are junior to other grades. Intermediate grades rank in the order listed as follows:

<table>
<thead>
<tr>
<th>Army, Air Force, and Marine Corps</th>
<th>Navy and Coast Guard</th>
</tr>
</thead>
<tbody>
<tr>
<td>General ............................</td>
<td>Admiral.</td>
</tr>
<tr>
<td>Lieutenant general ..................</td>
<td>Vice admiral.</td>
</tr>
<tr>
<td>Major general ......................</td>
<td>Rear admiral.</td>
</tr>
<tr>
<td>Brigadier general ...................</td>
<td>Rear admiral (lower half).</td>
</tr>
<tr>
<td>Colonel ............................</td>
<td>Captain.</td>
</tr>
<tr>
<td>Lieutenant colonel ..................</td>
<td>Commander.</td>
</tr>
<tr>
<td>Major ...............................</td>
<td>Lieutenant commander.</td>
</tr>
<tr>
<td>Captain .............................</td>
<td>Lieutenant.</td>
</tr>
</tbody>
</table>

(b) Rank among officers of the same grade or of equivalent grades is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer.

(c) Rank among officers of the Army, Navy, Air Force, and Marine Corps of the same grade or of equivalent grades who have the same date of rank is determined by regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

(d)(1) The date of rank of an officer of the Army, Navy, Air Force, or Marine Corps who holds a grade as the result of an original appointment shall be determined by the Secretary of the military department concerned at the time of such appointment. The date of rank of an officer of the Army, Navy, Air Force, or Marine Corps who holds a grade as the result of an original appointment and who at the time of such appointment was awarded service credit for prior commissioned service or constructive credit for advanced education or training, or special experience shall be determined so as to reflect such prior commissioned service or constructive service. Determinations by the Secretary concerned under this paragraph shall be made under regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

(2) Except as otherwise provided by law, the date of rank of an officer who holds a grade as the result of a promotion is the date of his appointment to that grade.

(3) Under regulations prescribed by the Secretary of Defense, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, the date of rank of a reserve commissioned officer (other than a warrant officer) of the Army, Navy, Air Force, or Marine Corps who is to be placed on the active-duty list and who has not been on continuous active duty since his original appointment as a reserve commissioned officer in a grade above chief warrant officer, W–5, or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list may, effective on the date on which he is placed on the active-duty list or reserve active-status list, be changed by the Secretary concerned to a later date to reflect such officer's qualifications and experience. The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.


HISTORICAL AND REVISION NOTES

<table>
<thead>
<tr>
<th>Revised section</th>
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<tr>
<td>741(a) ..........</td>
<td>title 10, §1051(c)</td>
<td>34:241a, (less 1st and 2d sentences), as applicable to rank within grade.</td>
</tr>
<tr>
<td>741(b) ..........</td>
<td>title 10, §1051(c)</td>
<td>34:241a, (less 1st and 2d sentences), as applicable to rank within grade.</td>
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<td>741(c) ..........</td>
<td>title 10, §1051(c)</td>
<td>34:241a, (less 1st and 2d sentences).</td>
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</table>

In subsection (a), the word “Regular”, pertaining to major generals and brigadier generals, in 10:517 and 34:241a, is omitted, since the last sentence of 10:517 and 34:241a establish the rank of nonregular officers of the Army and the Air Force, with respect to officers of the Regular Army and the Regular Air Force. The effect of establishing their rank with respect to regular officers, when read in connection with the provisions prescribing the rank of officers of the regular components with officers of the other services, under 10:517 (less last sentence), 34:241a (less last sentence), and 34:241, is therefore to establish the rank of nonregular officers with respect to officers of the other listed services. This allows a consolidation of 10:517 (less last sentence, as applicable to rank), 34:241a (less last sentence, as applicable to rank), together with 34:651, into a table of rank among officers of the Army, Navy, Air Force, and Marine Corps. The words “lineal rank only being considered”, in 34:241, are omitted, since retired officers of the Navy continue to be officers of the Navy. The words “Lieutenant (junior grade)”, when read in connection with the provisions prescribing the rank of nonregular officers of the Army, Navy, Air Force, and Marine Corps, are omitted, since the last sentence of 10:517 and 34:241a, is thereupon substituted for the word “masters”, in R.S. 1466, to reflect the change made in the name of that grade by the Act of March 3, 1883, ch. 97 (2d par.), 22 Stat. 472. In subsections (a) and (b), the words “entitled to pay” and “entitled to the pay”, respectively, are inserted, since rear admiral is one grade with two ranks depending on the amount of pay to which the incumbent is entitled.

In subsection (b), the words “in such grades”, in 10:517 and 34:241a, are omitted as surplusage. In subsection (c), the words “A commissioned officer of the Army or the Air Force” are substituted for the words “All officers of the Army of the United States, including all components thereof”, since rank among officers of the Regular Army and Regular Air Force is determined under sections 3573, 3574, 8573, and 8574 of this title.
§ 742. Rank: warrant officers  
(a) Among warrant officer grades, warrant officer grades of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.  
(b) Rank among warrant officers of the same grade, and date of rank of warrant officers, is determined in the same manner as prescribed in section 741 of this title for officers in grades above warrant officer grades.  

§ 743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force; Commandant of the Marine Corps  
The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps rank among themselves according to dates of appointment to those offices, and rank above all other officers on the active-duty list of the Army, Navy, Air Force, and Marine Corps, except the Chairman and the Vice Chairman of the Joint Chiefs of Staff.  

§ 744. Physician to White House; assignment; grade  
An officer of the Medical Corps of the Army, or a medical officer of the Air Force, who is below the grade of colonel and who is assigned to duty as physician to the White House has the rank, pay, and allowances of colonel while so serving. An officer of the Medical Corps of the Navy who is below the grade of captain and who is assigned to that duty has the rank, pay, and allowances of captain while so serving.  

Historical and Revision Notes  

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<tr>
<td>743</td>
<td>§ 626c(b)</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>5:626c(b) (1st sentence) is omitted as superseded by sections 8031(a)(1) and 8034(a) of this title. 5:626c(b) (2d sentence) is omitted as covered by section 8034(d) of this title. 5:626c(b) (3d and 4th sentences) is omitted as executed. 5:626c(b) (5th sentence) is omitted as covered by section 8034(b) of this title. 5:626c(b) (proviso of last sentence) is omitted as executed, since the incumbents to whom it is applied no longer hold the offices mentioned. The exception as to the Chairman of the Joint Chiefs of Staff is included because of section 142(c) of this title. The words ‘‘and the Marine Corps’’ are inserted, since under section 5681 of this title the Chief of Naval Operations takes precedence over all other officers of the naval service.</td>
<td></td>
<td></td>
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</table>

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 34, relating to ranking of warrant officers. See section 742 of this title.

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, and Coast Guard join

When different commands of the Army, Navy, Air Force, Marine Corps, or Coast Guard on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President.


§ 749. Command: commissioned officers in same grade or corresponding grades on duty at same place

(a) When the Army, Navy, Air Force, Marine Corps, 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, 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.


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.


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.

AMENDMENTS

Cross References
Particular provisions relating to uniforms—
Coast Guard, see sections 483 to 485, 489, 892 of Title 14, Coast Guard.
National Guard, see sections 701, 705 of Title 32, National Guard.
Naval service, see sections 6155, 6156 of this title.

§ 771. Unauthorized wearing prohibited

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

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

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 34.)

HISTORICAL AND REVISION NOTES

Revised section Source (U.S. Code) Source (Statutes at Large)

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.

Cross References
Public Health Service, wearing of uniforms, see section 238g of Title 42, The Public Health and Welfare.
Punishment for unauthorized wearing, see section 702 of Title 18, Crimes and Criminal Procedure.

§ 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—