§ 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.

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

HISTORICAL AND REVISION NOTES

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


The word “temporary”, in 10:515 and 34:251a, is omitted as surplusage.


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, and Coast Guard join or serve together, the officer highest in rank in 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.


TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 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.

777a. Wearing of insignia of higher grade before appointment to a grade above major general or rear admiral (frocking): authority; restrictions.

AMENDMENTS


POLICY ON GROUND COMBAT AND CAMOUFLAGE UNIFORMS

Pub. L. 111–84, div. A, title III, § 332, Oct. 28, 2009, 123 Stat. 2262, provided that: “(a) ESTABLISHMENT OF POLICY.—It is the policy of the United States that the design and fielding of all fu-
ture ground combat and camouflage utility uniforms of the Armed Forces may uniquely reflect the identity of the individual military services, as long as such ground combat and camouflage utility uniforms, to the maximum extent practicable—

“(1) provide members of every military service an equivalent level of performance, functionality, and protection commensurate with their respective assigned combat missions;

“(2) minimize risk to the individual soldier, sailor, airman, or marine operating in the joint battlespace; and

“(3) provide interoperability with other components of individual war fighter systems, including body armor and other individual protective systems.

“(b) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall conduct an assessment of the ground combat uniforms and camouflage utility uniforms currently in use in the Department of Defense. The assessment shall examine, at a minimum, each of the following:

“(1) The overall performance of each uniform in various anticipated combat environments and theaters of operations.

“(2) Whether the uniform design of each uniform conforms adequately and is interoperable with currently issued personal protective gear and body armor.

“(3) Costs associated with the design, development, production, procurement, and fielding of existing service-specific ground combat and camouflage utility uniforms.

“(4) Challenges and risks associated with fielding members of the Armed Forces into combat theaters in unique or service-specific ground combat or camouflage utility uniforms, including the tactical risk to the individuals serving in individual augmentee, in-lieu of force, or joint duty assignments of use of different ground combat uniforms in a combat environment.

“(5) Implications of the use of patents and other proprietary measures that may preclude sharing of technology, advanced uniform design, camouflage techniques, and fire retardence.

“(6) Logistical requirements to field and support forces in varying combat or utility uniforms.

“(c) REQUIREMENT FOR JOINT CRITERIA.—In support of the policy established in subsection (a), the Secretaries of the military departments, consistent with the authority set out in subparts B, C, and D of title 10, United States Code, shall establish joint criteria for future ground combat uniforms by not later than 270 days after the Comptroller General submits the report required under subsection (c). The joint criteria shall take into account the findings and recommendations of the report and ensure that new technologies, advanced materials, and other advances in ground combat uniform design may be shared between the military services and are not precluded from being adapted for use by any military service due to military service-unique proprietary arrangements.”

§ 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.

\(\text{(Aug. 10, 1956, ch. 1041, 70A Stat. 34.)}\)

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.

§ 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, undisciplinability, unsuitability, inaptitude, or otherwise than honorably—

(1) the exterior articles of uniform in his possession shall be retained for military use;

(2) under such regulations as the Secretary concerned prescribes, a suit of civilian clothing and an overcoat when necessary, both to cost not more than $30, may be issued to him; and

(3) if he would be otherwise without funds to meet his immediate needs, he may be paid an amount, fixed by the Secretary concerned, of not more than $25.

(c) When an enlisted member of the Army National Guard or the Air National Guard who has been called into Federal service is released from that service, the exterior articles of uniform in his possession shall be accounted for as property issued to the Army National Guard or the Air National Guard, as the case may be, of the State or territory, Puerto Rico, or the District of Columbia of whose Army National Guard or Air National Guard he is a member, as prescribed in section 708 of title 32.


AMENDMENTS


§ 772. When wearing by persons not on active duty authorized

(a) A member of the Army National Guard or the Air National Guard may wear the uniform prescribed for the Army National Guard or the Air National Guard, as the case may be.

(b) A member of the Naval Militia may wear the uniform prescribed for the Naval Militia.

(c) A retired officer of the Army, Navy, Air Force, or Marine Corps may bear the title and wear the uniform of his retired grade.

(d) A person who is discharged honorably or under honorable conditions from the Army,
Navy, Air Force, or Marine Corps may wear his uniform while going from the place of discharge to his home, within three months after his discharge.

(e) A person not on active duty who served honorably in time of war in the Army, Navy, Air Force, or Marine Corps may bear the title, and, when authorized by regulations prescribed by the President, wear the uniform, of the highest grade held by him during that war.

(f) While portraying a member of the Army, Navy, Air Force, or Marine Corps, an actor in a theatrical or motion-picture production may wear the uniform of that armed force if the portrayal does not tend to discredit that armed force.

(g) An officer or resident of a veterans’ home administered by the Department of Veterans Affairs may wear such uniform as the Secretary of the military department concerned may prescribe.

(h) While attending a course of military instruction conducted by the Army, Navy, Air Force, or Marine Corps, a civilian may wear the uniform prescribed by that armed force if the wear of such uniform is specifically authorized under regulations prescribed by the Secretary of the military department concerned.

(i) Under such regulations as the Secretary of the Air Force may prescribe, a citizen of a foreign country who graduates from an Air Force school may wear the appropriate aviation badge of the Air Force.

(j) A person in any of the following categories may wear the uniform prescribed for that category:

(1) Members of the Boy Scouts of America.

(2) Members of any other organization designated by the Secretary of a military department.

Historical and Revision Notes

### Revised section

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<tr>
<th>Source (U.S. Code)</th>
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<td>772(j) ..........</td>
<td>10:1393 (words between 1st and 2nd semicolon of 1st proviso of 1st par., less 15th through 18th words)</td>
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In subsections (a), (b), (d), (f), (g), (h), (i), and (j), the rules stated in the corresponding clauses of the first proviso of the first paragraph, and the last proviso of the last paragraph, of 10:1393, are restated to make positive the authority of the persons described in those subsections to wear the uniforms prescribed for the appropriate organization or activity.

In subsection (c), the words “bear the title”, in 34:43g(i), applicable only to retired officers of the Navy Nurse Corps, are made applicable to other retired officers, to make explicit what has heretofore been implicit, that a retired officer may continue to bear the title of his retired grade.

In subsection (e), the words between the second and third semicolons of the first proviso of the first paragraph of 10:1393 are omitted as superseded by 10:1028b and 34:299d, which authorize the wearing of the uniform by members who are discharged honorably or under honorable conditions. The words “when authorized by regulations prescribed by” are substituted for the words “occasions authorized by regulations prescribed for.”

In subsection (f), the words “while portraying a member of the Army, Navy, Air Force, or Marine Corps, an actor in a theatrical or motion-picture production” are substituted for the words “any person from wearing the uniform of the United States Army, Navy, or Marine Corps, in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character”.

In subsection (g), the word “resident” is substituted for the word “members”, since the word “members” related to members of the now disbanded National Home for disabled volunteer soldiers to which were admitted members of an organization called the “Disabled Volunteer Soldiers”. The words “veterans’ home” are substituted for the words “national home for veterans”, since there are now no “national homes” administered by the Veterans’ Administration.

In subsection (h), the words “authorized and” and “for wear during such course of instruction” are omitted as surplusage. The word “naval” is omitted as covered by the word “military’. The words “Army, Navy, Air Force, or Marine Corps” are substituted for the words “military or naval authorities”. The words “such armed force” are substituted for the words “such military or naval authorities”.

In subsection (i), the words “Air Force school” are substituted for the words “Air Force advanced flying schools or Air Force service schools”. The words “in such manner” are omitted as surplusage.

AMENDMENTS

1996—Subsec. (h). Pub. L. 104–201 inserted before period at end “if the wear of such uniform is specifically authorized under regulations prescribed by the Secretary of the military department concerned”.

1989—Subsec. (g). Pub. L. 101–189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.


EX. ORD. NO. 10564. DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS


The authority vested in the President (1) by section 125 of the act of June 3, 1916, 39 Stat. 216, as amended
§ 773. When distinctive insignia required

(a) A person for whom one of the following uniforms is prescribed may wear it, if it includes distinctive insignia prescribed by the Secretary of the military department concerned to distinguish it from the uniform of the Army, Navy, Air Force, or Marine Corps, as the case may be:

(1) The uniform prescribed by the university, college, or school for an instructor or member of the organized cadet corps of—
   (A) a State university or college, or a public high school, having a regular course of military instruction; or
   (B) an educational institution having a regular course of military instruction, and having a member of the Army, Navy, Air Force, or Marine Corps as instructor in military science and tactics.

(2) The uniform prescribed by a military society composed of persons discharged honorably or under honorable conditions from the Army, Navy, Air Force, or Marine Corps to be worn by a member of that society when authorized by regulations prescribed by the President.

(b) A uniform prescribed under subsection (a) may not include insignia of grade the same as, or similar to, those prescribed for officers of the Army, Navy, Air Force, or Marine Corps.

(c) Under such regulations as the Secretary of the military department concerned may prescribe, any person who is permitted to attend a course of instruction prescribed for members of a reserve officers' training corps, and who is not a member of that corps, may, while attending that course of instruction, wear the uniform of that corps.


Historical and Revision Notes

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

§ 773(a) .... 10:1393 (words between 4th and 7th semicolons of 1st proviso, and 2d proviso, of 1st par.).

§ 773(b) .... 10:1393 (last proviso of 1st par.).


In subsection (a), the word “mark” is omitted as surplusage.

In subsection (a)(2), the words “persons discharged honorably or under honorable conditions from” are substituted for the words “entirely of honorably discharged officers or enlisted men, or both, of”. The words “Regular or Volunteer” are omitted as surplusage. The words “when authorized by regulations prescribed by” are substituted for the words “upon occasions authorized by regulations of”.

Amendments


§ 774. Religious apparel: wearing while in uniform

(a) General Rule.—Except as provided under subsection (b), a member of the armed forces may wear an item of religious apparel while wearing the uniform of the member's armed force.

(b) Exceptions.—The Secretary concerned may prohibit the wearing of an item of religious apparel—

(1) in circumstances with respect to which the Secretary determines that the wearing of the item would interfere with the performance of the member’s military duties; or

(2) if the Secretary determines, under regulations under subsection (c), that the item of apparel is not neat and conservative.

(c) Regulations.—The Secretary concerned shall prescribe regulations concerning the wearing of religious apparel by members of the armed forces under the Secretary's jurisdiction while the members are wearing the uniform. Such regulations shall be consistent with subsections (a) and (b).

(d) Religious Apparel Defined.—In this section, the term “religious apparel” means apparel the wearing of which is part of the observance of the religious faith practiced by the member.


Prior Provisions

A prior section 774 was renumbered section 776 of this title.

Regulations

Pub. L. 100–180, div. A, title V, § 508(c), Dec. 4, 1987, 101 Stat. 1087, directed the Secretary concerned to prescribe the regulations required by subsec. (c) of this section not later than the end of the 120-day period beginning on Dec. 4, 1987.

§ 775. Issue of uniform without charge

(a) Issue of Uniform.—The Secretary concerned may issue a uniform, without charge, to any of the following members:

(1) A member who is being repatriated after being held as a prisoner of war.

(2) A member who is being treated at or released from a medical treatment facility as a consequence of being wounded or injured during military hostilities.

(3) A member who, as a result of the member's duties, has unique uniform requirements.

(4) Any other member, if the Secretary concerned determines, under exceptional circumstances, that the issue of the uniform to that member would significantly benefit the morale and welfare of the member and be advantageous to the armed force concerned.

(b) Retention of Uniform as a Personal Item.—Notwithstanding section 771a of this title, a uniform issued to a member under this
section may be retained by the member as a personal item.


PRIOR PROVISIONS

A prior section 775 was renumbered section 776 of this title.

§ 776. Applicability of chapter

This chapter applies in—

1. the United States;
2. the territories, commonwealths, and possessions of the United States; and
3. all other places under the jurisdiction of the United States.


HISTORICAL AND REVISED NOTES

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<td>The words “the Canal Zone, Guam, American Samoa, and the Virgin Islands as well as to * * * other” are omitted as covered by the words “possessions, and all other places under its jurisdiction”.</td>
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AMENDMENTS

1992—Pub. L. 102–484 renumbered section 775 of this title as this section.


1986—Pub. L. 99–661, as amended by Pub. L. 100–26, amended section generally. Prior to amendment, section read as follows: “This chapter applies in the United States, the Territories, Commonwealths, and possessions, and all other places under its jurisdiction.”

EFFECTIVE DATE OF 1987 AMENDMENT

Section 12(a) of Pub. L. 100–26 provided that: “The amendments made by section 3 (amending this section and sections 1032, 1408, 1450, 1588, 2007, 2364, and 5150 of this title, and section 4703 of Title 20, Education, and amending provisions set out as a note under section 1006 of Title 37, Pay and Allowances of the Uniformed Services] shall apply as if included in Public Law 99–661 when enacted on November 14, 1986.”

§ 777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions

(a) AUTHORITY.—An officer in a grade below the grade of major general or, in the case of the Navy, rear admiral, who has been selected for promotion to the next higher grade may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that next higher grade. An officer who is so authorized to wear the insignia of the next higher grade is said to be “frocked” to that grade.

(b) RESTRICTIONS.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

1. the Senate has given its advice and consent to the appointment of the officer to that grade;
2. the officer is serving in, or has received orders to serve in, a position for which that grade is authorized; and
3. in the case of an officer selected for promotion to a grade above colonel or, in the case of an officer of the Navy, a grade above captain—

(A) authority for that officer to wear the insignia of that grade has been approved by the Secretary of Defense (or a civilian officer within the Office of the Secretary of Defense whose appointment was made with the advice and consent of the Senate and to whom the Secretary delegates such approval authority); and

(B) the Secretary of Defense has submitted to Congress a written notification of the intent to authorize the officer to wear the insignia for that grade.

(c) BENEFITS NOT TO BE CONSTRUED AS ACCRUING.—(1) Authority provided to an officer as described in subsection (a) to wear the insignia of the next higher grade may not be construed as conferring authority for that officer to—

(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as that officer; or

(B) assume any legal authority associated with that grade.

(2) The period for which an officer wears the insignia of the next higher grade under such authority may not be taken into account for any of the following purposes:

(A) Seniority in that grade.

(B) Time of service in that grade.

(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—(1) The total number of colonels, Navy captains, brigadier generals, and rear admirals (lower half) on the active-duty list who are authorized as described in subsection (a) to wear the insignia for the next higher grade may not exceed 85.

(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed 1 percent, or, for the grades of colonel and Navy captain, 2 percent, of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.

§ 777a. Wearing of insignia of higher grade before appointment to a grade above major general or rear admiral (frocking): authority; restrictions

(a) Authority.—An officer serving in a grade below the grade of lieutenant general or, in the case of the Navy, vice admiral, who has been selected for appointment to the grade of lieutenant general or, in the case of the Navy, vice admiral or admiral, and an officer serving in the grade of lieutenant general or vice admiral who has been selected for appointment to the grade of general or admiral, may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that higher grade for a period of up to 14 days before assuming the duties of a position for which the higher grade is authorized. An officer who is so authorized to wear the insignia of a higher grade is said to be “frocked” to that grade.

(b) Restrictions.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

(1) the Senate has given its advice and consent to the appointment of the officer to that grade;

(2) the officer has received orders to serve in a position outside the military department of that officer for which that grade is authorized;

(3) the Secretary of Defense (or a civilian officer within the Office of the Secretary of Defense whose appointment was made with the advice and consent of the Senate and to whom the Secretary delegates such approval authority) has given approval for the officer to wear the insignia for that grade before assuming the duties of a position for which that grade is authorized; and

(4) the Secretary of Defense has submitted to Congress a written notification of the intent to authorize the officer to wear the insignia for that grade.

(c) Benefits Not to Be Construed as Accruing.—(1) Authority provided to an officer as described in subsection (a) to wear the insignia of a higher grade may not be construed as conferring authority for that officer to—

(A) be paid the rate of pay for an officer in that grade having the same number of years of service as that officer; or

(B) assume any legal authority associated with that grade.

(2) The period for which an officer wears the insignia of a higher grade under such authority may not be taken into account for any of the following purposes:

(A) Seniority in that grade.

(B) Time of service in that grade.

(d) Limitation on Number of Officers Frocked.—The total number of officers who are authorized to wear the insignia for a higher grade under this section shall count against the limitation in section 777(d) of this title on the total number of officers authorized to wear the insignia of a higher grade.


CHAPTER 47—UNIFORM CODE OF MILITARY JUSTICE

Subchapter Sec. Art.
I. General Provisions ................. 801 1
II. Apprehension and Restraint ....... 807 7
III. Non-Judicial Punishment ........... 815 15
IV. Court-Martial Jurisdiction ........ 816 16
V. Composition of Courts-Martial .. 822 22
VI. Pre-Trial Procedure ............... 830 30
VII. Trial Procedure ................. 836 36
VIII. Sentences .................... 855 55
IX. Post-Trial Procedure and Re- view of Courts-Martial .......... 859 59
X. Punitive Articles .................. 877 77
XI. Miscellaneous Provisions ......... 935 135
XII. United States Court of Appeals for the Armed Forces .......... 941 141