AMENDMENTS

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

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.

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

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.

Pub. L. 97–377, title I, § 101(c) [title VII, § 745], Dec. 21, 1982, 96 Stat. 1833, 1858.

Pub. L. 97–114, title VII, § 746, Dec. 29, 1981, 95 Stat. 1586.

Pub. L. 96–527, title VII, § 747, Dec. 15, 1980, 94 Stat. 3089.

Pub. L. 96–154, title VII, § 748, Dec. 21, 1979, 93 Stat. 1160.

Pub. L. 95–457, title VIII, § 848, Oct. 13, 1978, 92 Stat. 1252.

Pub. L. 95–111, title VIII, § 849, Sept. 21, 1977, 91 Stat. 908.

Pub. L. 94–419, title VII, § 748, Sept. 22, 1976, 90 Stat. 1299.

Pub. L. 94–212, title VII, § 745, Feb. 9, 1976, 90 Stat. 175.

Pub. L. 93–437, title VIII, § 848, Oct. 8, 1974, 88 Stat. 1232.

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.

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.

§ 982. Members: service on State and local juries

(a) A member of the armed forces on active duty may not be required to serve on a State or local jury if the Secretary concerned determines that such service—

(1) would unreasonably interfere with the performance of the member's military duties; or

(2) would adversely affect the readiness of the unit, command, or activity to which the member is assigned.

(b) A determination by the Secretary concerned under this section is conclusive.

(c) The Secretary concerned shall prescribe regulations for the administration of this section.

(d) In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory of the United States.

(Added Pub. L. 99–661, div. A, title V, § 502(a), Nov. 14, 1986, 100 Stat. 3863.)

§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies

(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654[1] of this title and other applicable Federal laws) at that institution (or any subelement of that institution); or

(2) a student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality

[1] See References in Text note below.

and scope to the access to campuses and to students that is provided to any other employer; or

(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):

(A) Names, addresses, and telephone listings.

(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that—

(1) the institution (and each subelement of that institution) has ceased the policy or practice described in that subsection; or

(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

(d) COVERED FUNDS.—(1) Except as provided in paragraph (2), the limitations established in subsections (a) and (b) apply to the following:

(A) Any funds made available for the Department of Defense.

(B) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

(C) Any funds made available for the Department of Homeland Security.

(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

(E) Any funds made available for the Department of Transportation.

(F) Any funds made available for the Central Intelligence Agency.

(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.

(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

(1) shall transmit a notice of the determination to the Secretary of Education and to the head of each other department and agency the funds of which are subject to the determination; and

(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any subelement of that institution) for contracts and grants.

(Added Pub. L. 104–106, div. A, title V, § 541(a), Feb. 10, 1996, 110 Stat. 315; amended Pub. L. 106–65, div. A, title V, § 549(a)(1), Oct. 5, 1999, 113 Stat. 609; Pub. L. 107–296, title XVII, § 1704(b)(1), (3), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108–375, div. A, title V, § 552(a)–(d), Oct. 28, 2004, 118 Stat. 1911, 1912; Pub. L. 112–81, div. A, title X, § 1061(11), Dec. 31, 2011, 125 Stat. 1583; Pub. L. 112–239, div. A, title V, § 586, title X, § 1076(f)(10), Jan. 2, 2013, 126 Stat. 1768, 1952.)

REFERENCES IN TEXT

Section 654 of this title, referred to in subsec. (a)(1), was repealed by Pub. L. 111–321, § 2(f)(1)(A), Dec. 22, 2010, 124 Stat. 3516.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 103–337, div. A, title V, § 558, Oct. 5, 1994, 108 Stat. 2776, as amended, and Pub. L. 104–208, div. A, title I, § 101(e) [title V, § 514], Sept. 30, 1996, 110 Stat. 3009–233, 3009–270, which were set out as notes under section 503 of this title, prior to repeal by Pub. L. 106–65, § 549(b).

AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 112–239, § 1076(f)(10), substituted ''or the Secretary'' for ''or Secretary''.

Subsec. (f). Pub. L. 112–239, § 586, struck out subsec. (f). Text read as follows: ''The Secretary of Defense shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).''

2011—Subsec. (e)(1). Pub. L. 112–81 substituted ''Secretary of Education and'' for ''Secretary of Education,'' and struck out '', and to Congress'' after ''determination''.

2004—Subsec. (a). Pub. L. 108–375, § 552(d), struck out ''(including a grant of funds to be available for student aid)'' after ''by grant'' in introductory provisions.

Subsec. (b). Pub. L. 108–375, § 552(b)(2)(A), (d), in introductory provisions, substituted ''subsection (d)(1)'' for ''subsection (d)(2)'' and struck out ''(including a grant of funds to be available for student aid)'' after ''by grant''.

Subsec. (b)(1). Pub. L. 108–375, § 552(a), substituted ''access to campuses'' for ''entry to campuses'' and inserted before semicolon ''in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer''.

Subsec. (d)(1). Pub. L. 108–375, § 552(b)(1)(A)(i), (c)(1), in introductory provisions, substituted ''Except as provided in paragraph (2), the'' for ''The'' and ''limitations established in subsections (a) and (b) apply'' for ''limitation established in subsection (a) applies''.

Subsec. (d)(1)(B). Pub. L. 108–375, § 552(b)(1)(A)(ii), inserted ''for any department or agency for which regular appropriations are made'' after ''made available''.

Subsec. (d)(1)(C) to (F). Pub. L. 108–375, § 552(b)(1)(A)(iii), added subpars. (C) to (F).

Subsec. (d)(2). Pub. L. 108–375, § 552(b)(1)(B), (c)(2), added par. (2) and struck out former par. (2) which read as follows: ''The limitation established in subsection (b) applies to the following:

''(A) Funds described in paragraph (1).

''(B) Any funds made available for the Department of Homeland Security.''

Subsec. (e)(1). Pub. L. 108–375, § 552(b)(2)(B), inserted '', to the head of each other department and agency the funds of which are subject to the determination,'' after ''Secretary of Education''.

2002—Subsec. (b)(1). Pub. L. 107–296, § 1704(b)(1), substituted ''Secretary of Homeland Security'' for ''Secretary of Transportation''.

Subsec. (d)(2)(B). Pub. L. 107–296, § 1704(b)(3), substituted ''Department of Homeland Security'' for ''Department of Transportation''.

1999—Pub. L. 106–65 amended section catchline and text generally. Prior to amendment, section consisted

of subsecs. (a) to (d) relating to denial of Department of Defense grants and contracts to institutions of higher education that have anti-ROTC policies.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–375, div. A, title V, §552(f), Oct. 28, 2004, 118 Stat. 1912, provided that: ''The amendments made by this section [amending this section and repealing provisions set out as a note under this section] shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.''

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.

FUNDS AVAILABLE SOLELY FOR STUDENT FINANCIAL ASSISTANCE

Pub. L. 106–79, title VIII, §8120, Oct. 25, 1999, 113 Stat. 1260, provided that during fiscal year 2000 and thereafter, any Federal grant of funds to an institution of higher education to be available solely for student financial assistance or related administrative costs could be used for the purpose for which the grant was made without regard to any provision to the contrary in section 101(e) [title V, §514] of Pub. L. 104–208 (formerly 10 U.S.C. 503 note), or section 983 of this title, prior to repeal by Pub. L. 108–375, div. A, title V, §552(e), Oct. 28, 2004, 118 Stat. 1912.

§ 985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits

(a) PROHIBITION OF PERFORMANCE OF MILITARY HONORS.—The Secretary of a military department and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors (under section 1491 of this title or any other authority) at the funeral or burial of any of the following persons:

(1) A person described in section 2411(b) of title 38.

(2) A person who is a veteran (as defined in section 1491(h) of this title) or who died while on active duty or a member of a reserve component, when the circumstances surrounding the person's death or other circumstances as specified by the Secretary of Defense are such that to provide military honors at the funeral or burial of the person would bring discredit upon the person's service (or former service).

(b) DISQUALIFICATION FROM BURIAL IN MILITARY CEMETERIES.—A person who is ineligible for interment in a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38 is not entitled to or eligible for, and may not be provided, burial in—

(1) Arlington National Cemetery;

(2) the Soldiers' and Airmen's National Cemetery; or

(3) any other cemetery administered by the Secretary of a military department or the Secretary of Defense.

(c) DEFINITION.—In this section, the term ''burial'' includes inurnment.

(Added Pub. L. 105–85, div. A, title X, §1077(a)(1), Nov. 18, 1997, 111 Stat. 1914; amended Pub. L. 107–296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109–163, div. A, title VI, §662(b)(1)–(3), (c)(1), Jan. 6, 2006, 119 Stat. 3315.)

AMENDMENTS

2006—Pub. L. 109–163, §662(c)(1), substituted ''Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits'' for ''Persons convicted of capital crimes: denial of certain burial-related benefits'' in section catchline.

Subsec. (a). Pub. L. 109–163, §662(b)(1)(B), substituted ''any of the following persons:'' for ''a person who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.'' and added pars. (1) and (2).

Pub. L. 109–163, §662(b)(1)(A), inserted ''(under section 1491 of this title or any other authority)'' after ''military honors''.

Subsec. (b). Pub. L. 109–163, §662(b)(2), in introductory provisions, substituted ''who is ineligible for interment in a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38'' for ''convicted of a capital offense under Federal law''.

Subsec. (c). Pub. L. 109–163, §662(b)(3), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: ''In this section:

''(1) The term 'capital offense' means an offense for which the death penalty may be imposed.

''(2) The term 'burial' includes inurnment.

''(3) The term 'State' includes the District of Columbia and any commonwealth or territory of the United States.''

2002—Subsec. (a). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–163, div. A, title VI, §662(e), Jan. 6, 2006, 119 Stat. 3316, provided that: ''The amendments made by this section [amending this section, section 1491 of this title, and section 2411 of Title 38, Veterans' Benefits and enacting provisions set out as notes under this section and section 2411 of Title 38] shall apply with respect to funerals and burials that occur on or after the date of the enactment of this Act [Jan. 6, 2006].''

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

Pub. L. 105–85, div. A, title X, §1077(b), Nov. 18, 1997, 111 Stat. 1915, provided that: ''Section 985 of title 10, United States Code, as added by subsection (a), applies with respect to persons dying after January 1, 1997.''

REGULATIONS

Pub. L. 109–163, div. A, title VI, §662(d)(2), Jan. 6, 2006, 119 Stat. 3316, provided that: ''The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary of a military department or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is ineligible for such interment or honors by reason of being a person described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.''

[§ 986. Repealed. Pub. L. 110–181, div. A, title X, § 1072(b)(1), Jan. 28, 2008, 122 Stat. 329]

Section, added Pub. L. 106–398, §1 [[div. A], title X, §1071(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–275; amended Pub. L. 107–107, div. A, title X, §1048(c)(3), Dec. 28, 2001,