

“(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense shall not prohibit, issue any requirement relating to, or collect or record any information relating to the otherwise lawful acquisition, possession, ownership, carrying, or other use of a privately owned firearm, privately owned ammunition, or another privately owned weapon by a member of the Armed Forces or civilian employee of the Department of Defense on property that is not—

“(1) a military installation; or

“(2) any other property that is owned or operated by the Department of Defense.

“(b) EXISTING REGULATIONS AND RECORDS.—

“(1) REGULATIONS.—Any regulation promulgated before the date of enactment of this Act [Jan. 7, 2011] shall have no force or effect to the extent that it requires conduct prohibited by this section.

“(2) RECORDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall destroy any record containing information described in subsection (a) that was collected before the date of enactment of this Act.

“(c) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to limit the authority of the Secretary of Defense to—

“(1) create or maintain records relating to, or regulate the possession, carrying, or other use of a firearm, ammunition, or other weapon by a member of the Armed Forces or civilian employee of the Department of Defense while—

“(A) engaged in official duties on behalf of the Department of Defense; or

“(B) wearing the uniform of an Armed Force;

“(2) create or maintain records relating to an investigation, prosecution, or adjudication of an alleged violation of law (including regulations not prohibited under subsection (a)), including matters related to whether a member of the Armed Forces constitutes a threat to the member or others; or

“(3) authorize a health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such health professional or such commanding officer has reasonable grounds to believe such member is at risk for suicide or causing harm to others.

“(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall—

“(1) conduct a comprehensive review of the privately owned weapons policy of the Department of Defense, including legal and policy issues regarding the regulation of privately owned firearms off of a military installation, as recommended by the Department of Defense Independent Review Related to Fort Hood; and

“(2) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report regarding the findings of and recommendations relating to the review conducted under paragraph (1), including any recommendations for adjustments to the requirements under this section.

“(e) MILITARY INSTALLATION DEFINED.—In this section, the term ‘military installation’ has the meaning given that term under section 2687(e)(1) [now 2687(g)(1)] of title 10, United States Code.”

#### DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT

Pub. L. 108-136, div. A, title III, § 344, Nov. 24, 2003, 117 Stat. 1448, as amended by Pub. L. 108-375, div. A, title III, § 341, Oct. 28, 2004, 118 Stat. 1857; Pub. L. 109-163, div. A, title III, § 375, Jan. 6, 2006, 119 Stat. 3213; Pub. L. 109-364, div. A, title III, § 355(a)-(c), Oct. 17, 2006, 120 Stat. 2162, 2163; Pub. L. 111-383, div. A, title X, § 1075(g)(3), Jan. 7, 2011, 124 Stat. 4376, provided that:

“(a) PROVISION OF BENEFIT.—(1) The Secretary of Defense shall provide, wherever practicable, prepaid

phone cards, packet based telephony service, or an equivalent telecommunications benefit which includes access to telephone service, to members of the Armed Forces stationed outside the United States who (as determined by the Secretary) are eligible for combat zone tax exclusion benefits due to their service in direct support of a contingency operation to enable those members to make telephone calls without cost to the member.

“(2) As soon as possible after the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007 [Oct. 17, 2006], the Secretary shall provide, wherever practicable, prepaid phone cards, packet based telephony service, or an equivalent telecommunications benefit which includes access to telephone service to members of the Armed Forces who, although are no longer directly supporting a contingency operation, are hospitalized as a result of wounds or other injuries incurred while serving in direct support of a contingency operation.

“(b) MONTHLY BENEFIT.—The value of the benefit provided under subsection (a) to any member in any month, to the extent the benefit is provided from amounts available to the Department of Defense, may not exceed—

“(1) \$40; or

“(2) 120 calling minutes, if the cost to the Department of Defense of providing such number of calling minutes is less than the amount specified in paragraph (1).

“(c) TERMINATION OF BENEFIT.—The authority to provide a benefit under subsection (a)(1) to a member directly supporting a contingency operation shall terminate on the date that is 60 days after the date on which the Secretary determines that the contingency operation has ended.

“(d) FUNDING.—(1)(A) In carrying out the program under this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, free or reduced-cost services of private sector entities, and programs to enhance morale and welfare.

“(B) The Secretary may not award a contract to a commercial firm for the purposes of subparagraph (A) other than through the use of competitive procedures.

“(2) The Secretary may accept gifts and donations in order to defray the costs of the program under this section. Such gifts and donations may be accepted from—

“(A) any foreign government;

“(B) any foundation or other charitable organization, including any that is organized or operates under the laws of a foreign country; and

“(C) any source in the private sector of the United States or a foreign country.

“(e) DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT OR INTERNET ACCESS.—If the Secretary of Defense determines that, in order to implement this section as quickly as practicable, it is necessary to provide additional telephones or Internet service in any area to facilitate telephone or packet based telephony calling for which benefits are provided under this section, the Secretary may, consistent with the availability of resources, award competitively bid contracts to one or more commercial entities for the provision and installation of telephones or Internet access in that area.

“(f) NO COMPROMISE OF MILITARY MISSION.—The Secretary of Defense should not take any action under this section that would compromise the military objectives or mission of the Department of Defense.

“(g) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code. The term includes Operation Iraqi Freedom and Operation Enduring Freedom.”

#### § 1030. Bonus to encourage Department of Defense personnel to refer persons for appointment as officers to serve in health professions

(a) AUTHORITY TO PAY BONUS.—

(1) **AUTHORITY.**—The Secretary of Defense may authorize the appropriate Secretary to pay a bonus under this section to an individual referred to in paragraph (2) who refers to a military recruiter a person who has not previously served in an armed force and, after such referral, takes an oath of enlistment that leads to appointment as a commissioned officer, or accepts an appointment as a commissioned officer, in an armed force in a health profession designated by the appropriate Secretary for purposes of this section.

(2) **INDIVIDUALS ELIGIBLE FOR BONUS.**—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

(A) A member of the armed forces in a regular component of the armed forces.

(B) A member of the armed forces in a reserve component of the armed forces.

(C) A member of the armed forces in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired or retainer pay.

(D) A civilian employee of a military department or the Department of Defense.

(b) **REFERRAL.**—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when the individual concerned contacts a military recruiter on behalf of a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession; or

(2) when a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession contacts a military recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

(c) **CERTAIN REFERRALS INELIGIBLE.**—

(1) **REFERRAL OF IMMEDIATE FAMILY.**—A member of the armed forces or civilian employee of a military department or the Department of Defense may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) **MEMBERS IN RECRUITING ROLES.**—A member of the armed forces or civilian employee of a military department or the Department of Defense serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the appropriate Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(3) **JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.**—A member of the armed forces detailed under subsection (c)(1) of section 2031 of this title to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the armed forces employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

(d) **AMOUNT OF BONUS.**—The amount of the bonus payable for a referral under subsection (a) may not exceed \$2,000. The amount shall be payable as provided in subsection (e).

(e) **PAYMENT.**—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

(1) Not more than \$1,000 shall be paid upon the execution by the person of an agreement to serve as an officer in a health profession in an armed force for not less than three years.

(2) Not more than \$1,000 shall be paid upon the completion by the person of the initial period of military training as an officer.

(f) **RELATION TO PROHIBITION ON BOUNTIES.**—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of this title.

(g) **COORDINATION WITH RECEIPT OF RETIRED PAY.**—A bonus paid under this section to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under this title, title 37 or 38, or any other provision of law.

(h) **APPROPRIATE SECRETARY DEFINED.**—In this section, the term “appropriate Secretary” means—

(1) the Secretary of the Army, with respect to matters concerning the Army;

(2) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

(3) the Secretary of the Air Force, with respect to matters concerning the Air Force and the Space Force; and

(4) the Secretary of Defense, with respect to personnel of the Department of Defense.

(i) **DURATION OF AUTHORITY.**—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2011.

(Added Pub. L. 110–181, div. A, title VI, § 671(b)(1), Jan. 28, 2008, 122 Stat. 182; amended Pub. L. 110–417, [div. A], title VI, § 615(a), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111–84, div. A, title VI, § 616(1), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111–383, div. A, title VI, § 616(1), title X, § 1075(b)(15), Jan. 7, 2011, 124 Stat. 4238, 4369; Pub. L. 116–283, div. A, title IX, § 924(b)(23), Jan. 1, 2021, 134 Stat. 3824.)

### Editorial Notes

#### AMENDMENTS

2021—Subsec. (h)(3). Pub. L. 116–283 inserted “and the Space Force” after “concerning the Air Force”.

2011—Subsec. (e)(1). Pub. L. 111–383, § 1075(b)(15), substituted “three years.” for “3 years.”.

Subsec. (i). Pub. L. 111–383, § 616(1), substituted “December 31, 2011” for “December 31, 2010”.

2009—Subsec. (i). Pub. L. 111–84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (i). Pub. L. 110–417 substituted “December 31, 2009” for “December 31, 2008”.

### § 1031. Administration of oath

The President, the Vice-President, the Secretary of Defense, any commissioned officer, and any other person designated under regulations prescribed by the Secretary of Defense may administer any oath—