

The Social Security Act, referred to in subsec. (a)(3)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Higher Education Act of 1965, referred to in subsec. (e)(4), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2024—Subsec. (e)(3)(C)(i). Pub. L. 118–159, §572(1)(A), substituted “3,000” for “5,000”.

Subsec. (e)(3)(C)(iii), (iv). Pub. L. 118–159, §572(1)(B), redesignated cl. (iv) as (iii) and struck out former cl. (iii) which read as follows: “A participant may not receive a stipend under subparagraph (A) if the participant is eligible for benefits under chapter 33 of title 38.”

Subsec. (k). Pub. L. 118–159, §572(2), substituted “2029” for “2027”.

2023—Subsec. (a)(2)(C). Pub. L. 118–31, §573(1)(A), added subpar. (C).

Subsec. (a)(3)(D). Pub. L. 118–31, §573(1)(B), added subpar. (D).

Subsec. (b)(2)(C). Pub. L. 118–31, §574(1), added subpar (C).

Subsec. (d)(4)(A)(ii). Pub. L. 118–31, §573(2), inserted “or Job Corps centers” after “secondary schools”.

Subsec. (e)(2)(E). Pub. L. 118–31, §573(3), inserted “or Job Corps center” after “secondary school”.

Subsec. (k). Pub. L. 118–31, §574(2), substituted “2027” for “2025”.

2021—Subsec. (b). Pub. L. 117–81, §551(a), substituted “shall” for “may” in introductory provisions.

Subsecs. (i), (j). Pub. L. 117–81, §551(b), added subsec. (i) and redesignated former subsec. (i) as (j).

Subsec. (k). Pub. L. 117–81, §551(c), added subsec. (k).

2018—Subsec. (d)(2)(B). Pub. L. 115–232, §554(a), inserted “(A)(iii),” after “(A)(i),” and “transferred to the Retired Reserve, or” after “member is retired,” and substituted “separated or released” for “separated, or released”.

Subsec. (d)(3)(D). Pub. L. 115–232, §554(b), inserted “, the transfer of the member to the Retired Reserve,” after “retirement of the member” and “transfer,” after “after the retirement.”

2015—Subsec. (a)(1). Pub. L. 114–95, §9215(uuu)(2)(A), substituted “section 4310 of the Elementary and Secondary Education Act of 1965” for “section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1))”.

Subsec. (a)(3)(C). Pub. L. 114–95, §9215(uuu)(2)(B), substituted “section 5211(b) of the Elementary and Secondary Education Act of 1965” for “section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b))”.

Subsec. (a)(8). Pub. L. 114–95, §9215(uuu)(2)(C), substituted “section 8101 of the Elementary and Secondary Education Act of 1965” for “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)”.

2014—Subsec. (a)(2)(A)(ii). Pub. L. 113–291 substituted “20 U.S.C. 1411” for “20 U.S.C.1411”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

TRANSFER OF FUNCTIONS FOR TROOPS-TO-TEACHERS PROGRAM; EXISTING AGREEMENTS

Pub. L. 112–239, div. A, title V, §541(a), Jan. 2, 2013, 126 Stat. 1728, provided that:

“(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 ([former] 20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.

“(2) MEMORANDUM OF AGREEMENT.—In connection with the transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense under paragraph (1), the Secretaries shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

“(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in subsection (a) of section 1154 of title 10, United States Code, as added by subsection (b)).

“(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in subsection (d) of such section 1154 to become participants in the Program, to meet the requirements necessary to become a teacher in a school described in subsection (b)(2) of such section 1154, and to find post-service employment in an eligible school.

“(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

“(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

“(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in subsection (a) of such section 1154).

“(3) EFFECTIVE DATE.—The transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program under paragraph (1) shall take effect—

“(A) on the first day of the first month beginning more than 90 days after the date of the enactment of this Act [Jan. 2, 2013]; or

“(B) on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.”

Pub. L. 112–239, div. A, title V, §541(d)(3), Jan. 2, 2013, 126 Stat. 1735, provided that: “The repeal of chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 ([former] 20 U.S.C. 6671 et seq.) by paragraph (1) shall not affect—

“(A) the validity or terms of any agreement entered into under such chapter, as in effect immediately before such repeal, before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a) [set out as a note above]; or

“(B) the authority to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a).”

§ 1155. Statement of benefits

(a) BEFORE SEPARATION.—Not later than 30 days before a member retires, is released, is discharged, or otherwise separates from the armed forces (or as soon as is practicable in the case of an unanticipated separation), the Secretary concerned shall provide that member with a current assessment of all benefits to which that member may be entitled under laws administered by—

- (1) the Secretary of Defense; and
- (2) the Secretary of Veterans Affairs.

(b) STATEMENT FOR RESERVES.—The Secretary concerned shall provide a member of a reserve component with a current assessment of benefits described in subsection (a) upon release of that member from active duty.

(Added Pub. L. 115–232, div. A, title V, § 522(a), Aug. 13, 2018, 132 Stat. 1756.)

CHAPTER 59—SEPARATION

- Sec.
1161. Commissioned officers: limitations on dismissal.
- [1162, 1163. Repealed.]
1164. Warrant officers: separation for age.
1165. Regular warrant officers: separation during three-year probationary period.
1166. Regular warrant officers: elimination for unfitness or unsatisfactory performance.
1167. Members under confinement by sentence of court-martial: separation after six months confinement.
1168. Discharge or release from active duty: limitations.
1169. Regular enlisted members: limitations on discharge.
1170. Regular enlisted members: minority discharge.
1171. Regular enlisted members: early discharge.
1172. Enlisted members: during war or emergency; discharge.
1173. Enlisted members: discharge for hardship.
1174. Separation pay upon involuntary discharge or release from active duty.
- 1174a. Special separation benefits programs.
1175. Voluntary separation incentive.
- 1175a. Voluntary separation pay and benefits.
1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service.
1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation.
1178. System and procedures for tracking separations resulting from refusal to participate in anthrax vaccine immunization program.

Editorial Notes

AMENDMENTS

2009—Pub. L. 111–84, div. A, title V, § 512(a)(2), Oct. 28, 2009, 123 Stat. 2281, added item 1177.

2006—Pub. L. 109–163, div. A, title VI, § 643(a)(2), Jan. 6, 2006, 119 Stat. 3309, added item 1175a.

2000—Pub. L. 106–398, § 1 [[div. A], title VII, § 751(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–193, added item 1178.

1996—Pub. L. 104–134, title II, § 2707(a)(2), Apr. 26, 1996, 110 Stat. 1321–330, struck out item 1177 “Members infected with HIV–1 virus: mandatory discharge or retirement”.

Pub. L. 104–106, div. A, title V, §§ 563(a)(1)(B), 567(a)(2), Feb. 10, 1996, 110 Stat. 325, 329, added item 1167 and substituted “Members infected with HIV–1 virus: mandatory discharge or retirement” for “Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling” in item 1177.

1994—Pub. L. 103–337, div. A, title V, § 560(a)(2), title XVI, § 1671(b)(10), Oct. 5, 1994, 108 Stat. 2778, 3013, struck out items 1162 “Reserves: discharge” and 1163 “Reserve components: members; limitations on separation” and added item 1177.

1992—Pub. L. 102–484, div. A, title V, § 541(b), Oct. 23, 1992, 106 Stat. 2413, added item 1176.

1991—Pub. L. 102–190, div. A, title VI, §§ 661(a)(2), 662(a)(2), Dec. 5, 1991, 105 Stat. 1395, 1398, added items 1174a and 1175.

1980—Pub. L. 96–513, title V, § 501(15), Dec. 12, 1980, 94 Stat. 2908, struck out item 1167 “Regular warrant officers: severance pay” and added item 1174.

1973—Pub. L. 93–64, title I, § 102, July 9, 1973, 87 Stat. 147, added item 1173.

1968—Pub. L. 90–235, § 3(a)(1)(B), Jan. 2, 1968, 81 Stat. 757, added items 1169 to 1172.

1962—Pub. L. 87–651, title I, § 106(c), Sept. 7, 1962, 76 Stat. 508, added item 1168.

Statutory Notes and Related Subsidiaries

CONSIDERATION OF REINSTATEMENT OF A MEMBER OF THE ARMED FORCES INVOLUNTARILY SEPARATED ON THE BASIS OF REFUSAL TO RECEIVE A VACCINATION AGAINST COVID-19

Pub. L. 118–31, div. A, title V, § 526, Dec. 22, 2023, 137 Stat. 254, provided that:

“(a) REINSTATEMENT.—

“(1) REQUEST; CONSIDERATION.—At the request of a covered individual during the two years following the date of the involuntary separation of the covered individual, the Secretary concerned shall consider reinstating such covered individual—

“(A) as a member of the Armed Force concerned; and

“(B) in the grade held by such covered individual immediately before the involuntary separation of the covered individual.

“(2) TREATMENT OF PERIOD BETWEEN SEPARATION AND REINSTATEMENT.—The Secretary concerned shall treat the period of time between the involuntary separation of a covered individual and the reinstatement of such covered individual under paragraph (1) as a period of inactivation from active service under the following provisions of section 710 of title 10, United States Code:

“(A) Subsection (b).

“(B) Subparagraphs (B) through (D) of paragraph (2) of subsection (f) [10 U.S.C. 710(f)(2) does not contain subpars. (C) or (D)].

“(C) Paragraph (4) of subsection (f).

“(D) Subsection (g).

“(b) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’ means an individual—

“(1) involuntarily separated from an Armed Force solely on the basis of the refusal of such individual to receive a vaccination against COVID-19; and

“(2) who, during the period beginning on August 24, 2021, and ending on February 24, 2023, submitted a request for a religious, administrative, or medical exemption from a requirement to receive a vaccination against COVID-19.”

CERTAIN MEMBERS DISCHARGED OR DISMISSED ON THE SOLE BASIS OF FAILURE TO OBEY A LAWFUL ORDER TO RECEIVE A VACCINE FOR COVID-19: COMMUNICATION STRATEGY REGARDING REINSTATEMENT PROCESS

Pub. L. 118–31, div. A, title V, § 528, Dec. 22, 2023, 137 Stat. 255, provided that:

“(a) COMMUNICATION STRATEGY REQUIRED.—Not later than six months after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense, in coordination with the Secretaries of the military departments or, with respect to the Coast Guard, the Secretary of the department in which the Secretary is operating when the Coast Guard is not operating as a service in the Navy, shall communicate, to a covered individual, the current, established, process by which a covered individual may be reinstated in the covered Armed Force concerned.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means an individual discharged or dismissed from a covered Armed Force on the sole basis of failure to obey a lawful order to receive a vaccine for COVID-19.

“(2) The term ‘covered Armed Force’ means the Army, Navy, Marine Corps, Air Force, Coast Guard, or Space Force.”