

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 721—ACTIVE DUTY

Sec.

- 7191. Non-regular officers: status.
- 7203. Retired commissioned officers: status.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 341 of this title as this chapter and items 3491 and 3503 as 7191 and 7203, respectively.

1994—Pub. L. 103-337, div. A, title XVI, §1672(b)(4), Oct. 5, 1994, 108 Stat. 3015, struck out items 3495 “Army National Guard of United States: status”, 3496 “Army National Guard of United States: commissioned officers; duty in National Guard Bureau”, 3497 “Army National Guard of United States: members; status in which ordered into Federal service”, 3498 “Army National Guard of United States: mobilization; maintenance of organization”, 3499 “Army National Guard in Federal service: status”, 3500 “Army National Guard in Federal service: call”, 3501 “Army National Guard in Federal service: period of service; apportionment”, and 3502 “Army National Guard in Federal service: physical examination”.

1980—Pub. L. 96-513, title V, §502(12), Dec. 12, 1980, 94 Stat. 2910, struck out item 3494 “Commissioned officers: grade in which ordered to active duty” and item 3504 “Retired members: limitations; grade”.

1968—Pub. L. 90-235, §1(a)(3), (b), Jan. 2, 1968, 81 Stat. 753, struck out item 3492 “Members: service extension during war”, and item 3493 “Army Reserve: commissioned officers with Corps of Engineers”.

1958—Pub. L. 85-861, §1(82)(B), Sept. 2, 1958, 72 Stat. 1481, added item 3494.

§ 7191. Non-regular officers: status

A commissioned officer of the Army, other than of the Regular Army, who is on active duty in any commissioned grade has the rights and privileges, and is entitled to the benefits, provided by law for a commissioned officer of the Army Reserve—

- (1) whose reserve grade is that in which the officer not of the Regular Army is serving;
- (2) who has the same length of service as the officer not of the Regular Army; and
- (3) who is on active duty in his reserve grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 198, §3491; renumbered §7191, Pub. L. 115-232, div. A, title VIII, §808(b)(5), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3491	10:506d(h).	Aug. 7, 1947, ch. 512, §515(h), 61 Stat. 908.

The first 12 words are substituted for 10:506d(h) (1st 11 words). The words “has the rights and privileges, and is entitled to the benefits” are substituted for the words “shall be entitled * * * to the same rights, privileges, and benefits”. Clause (1) is substituted for the words “in a grade the same as such ‘active-duty grade’”. The

words “as the officer not of the Regular Army” are substituted for the words “holding appointment in the Army Reserve”. The words “his reserve grade” are substituted for the words “the grade held in the Army Reserve”.

Editorial Notes

PRIOR PROVISIONS

Prior section 7201, act Aug. 10, 1956, ch. 1041, 70A Stat. 442, authorized Secretary of the Navy to conduct research and development relating to guided missiles and to procure and construct guided missiles, prior to repeal by Pub. L. 103-160, div. A, title VIII, §824(a)(1), Nov. 30, 1993, 107 Stat. 1707.

Prior section 7202, act Aug. 10, 1956, ch. 1041, 70A Stat. 442, related to authority of Secretary of the Navy to provide for emergency and extraordinary expenses and to delegation of such authority to other persons in the Department of the Navy, prior to repeal by Pub. L. 94-106, title VIII, §804(b), Oct. 7, 1975, 89 Stat. 538. See section 127 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3491 of this title as this section.

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§ 7203. Retired commissioned officers: status

A retired commissioned officer of the Army who is on active duty is considered, for all purposes except promotion, to be an officer of the branch or organization to which he is assigned. (Aug. 10, 1956, ch. 1041, 70A Stat. 200, §3503; renumbered §7203, Pub. L. 115-232, div. A, title VIII, §808(b)(5), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3503	10:999.	July 9, 1918, ch. 143, subch. XX (2d par.), 40 Stat. 893.

The words “and shall be an extra number therein” are omitted, since, in the opinion of the Judge Advocate General of the Army (JAG 210.85, Feb. 21, 1923), they were repealed by the Act of July 31, 1935, ch. 422, 49 Stat. 505. The words “in the discretion of the President, employed * * * assigned to duty” are omitted as surplusage. The word “branch” is substituted for the words “arms, corps, department” to conform to sections 3063 and 3064 of this title.

Editorial Notes

PRIOR PROVISIONS

A prior section 7203, acts Aug. 10, 1956, ch. 1041, 70A Stat. 442; Sept. 2, 1958, Pub. L. 85-861, §33(a)(34), 72 Stat. 1566, authorized Secretary of the Navy to make expenditures for scientific investigations and research from any naval appropriation available for those purposes and to delegate this authority within Navy, prior to repeal by Pub. L. 103-355, title III, §3025(a), Oct. 13, 1994, 108 Stat. 3334.

Prior sections 7204 and 7205 were renumbered sections 8604 and 8605 of this title, respectively.

A prior section 7206, act Aug. 10, 1956, ch. 1041, 70A Stat. 443, related to minor construction and extension