

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 “that 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.

Editorial Notes

CONSTITUTIONALITY

For information regarding the constitutionality of certain provisions of this section as enacted by act Aug. 10, 1956, see the Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court on the Constitution Annotated website, constitution.congress.gov.

AMENDMENTS

2023—Subsec. (i). Pub. L. 118-31, §1741(b)(2)(B), substituted “aviation or space badges of the Air Force or Space Force” for “aviation badges of the Air Force”.

Pub. L. 118-31, §1741(b)(2)(A), which directed amendment of subsec. (i) by substituting “an Air Force or Space Force school” for “an Air Force School”, was executed by making the substitution for “an Air Force school” to reflect the probable intent of Congress.

2021—Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps” wherever appearing.

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”.

1985—Subsec. (c). Pub. L. 99-145 struck out provisions relating to a retired officer of the Navy Nurse Corps.

Executive Documents

EX. ORD. NO. 10554. DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS

Ex. Ord. No. 10554, Aug. 18, 1954, 19 F.R. 5295, as amended by Ex. Ord. No. 13286, §77, Feb. 28, 2003, 68 F.R. 10631, provided:

The authority vested in the President (1) by section 125 of the act of June 3, 1916, 39 Stat. 216, as amended by the first section of the act of July 6, 1953, 67 Stat. 140, and (2) by section 2 of the act of June 21, 1930, 46 Stat. 793, as amended by section 2 of said act of July 6, 1953, to prescribe regulations authorizing occasions upon which the uniform may be worn by persons who have served honorably in the armed forces of the United States in time of war is hereby delegated to the Secretary of Defense so far as it pertains to the uniforms of the Army, Navy, Air Force, and Marine Corps, and to the Secretary of Homeland Security so far as it pertains to the uniform of the Coast Guard.

§ 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, Marine Corps, or Space Force, 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, Marine Corps, or Space Force 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, Marine Corps, or Space Force 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, Marine Corps, or Space Force.

(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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 35; Pub. L. 85-355, Mar. 28, 1958, 72 Stat. 66; Pub. L. 116-283, div. A, title IX, §924(b)(3)(P), Jan. 1, 2021, 134 Stat. 3821.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
773(a)	10:1393 (words between 4th and 7th semicolons of 1st proviso, and 2d proviso, of 1st par.).	June 3, 1916, ch. 134, §125 (words between 4th and 7th semicolons of 1st proviso, and 2d and last provisos, of 1st par.). 39 Stat. 216; June 4, 1920, ch. 228, §8, 41 Stat. 836; Sept. 15, 1951, ch. 402, 65 Stat. 323; July 6, 1953, ch. 180, §1, 67 Stat. 140.
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”.

Editorial Notes

AMENDMENTS

2021—Subsecs. (a), (b). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps” in subsec. (a) wherever appearing and in subsec. (b).

1958—Subsec. (c). Pub. L. 85-355 added subsec. (c).

§ 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.

(Added Pub. L. 100–180, div. A, title V, §508(a)(2), Dec. 4, 1987, 101 Stat. 1086.)

Editorial Notes

PRIOR PROVISIONS

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

Statutory Notes and Related Subsidiaries

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.

(Added Pub. L. 102–484, div. A, title III, §377(a)(2), Oct. 23, 1992, 106 Stat. 2386.)

Editorial Notes

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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 36, §774; Pub. L. 99–661, div. A, title XIII, §1343(a)(1), Nov. 14, 1986, 100 Stat. 3992; Pub. L. 100–26, §3(6), Apr. 21, 1987, 101 Stat. 273; renumbered §775, Pub. L. 100–180, div. A, title V, §508(a)(1), Dec. 4, 1987, 101 Stat. 1086; renumbered §776, Pub. L. 102–484, div. A, title III, §377(a)(1), Oct. 23, 1992, 106 Stat. 2386.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
774	10:1393 (less 1st and last pars.).	June 3, 1916, ch. 134, §125 (less 1st and last pars.), 39 Stat. 216; Apr. 15, 1948, ch. 188, 62 Stat. 172; June 25, 1948, ch. 645, §21 (as applicable to §125 of the Act of June 3, 1916, ch. 134), 62 Stat. 864; May 24, 1949, ch. 139, §§15(b) (less last par.), 142 (as applicable to the Act of Apr. 15, 1948, ch. 188), 63 Stat. 91, 110.

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”.

Editorial Notes

AMENDMENTS

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

1987—Pub. L. 100–180 renumbered section 774 of this title as this section.

Pub. L. 100–26 amended directory language of Pub. L. 99–661. See 1986 Amendment note below.

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.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100–26, §12(a), Apr. 21, 1987, 101 Stat. 289, 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.