

1980—Pub. L. 96-513 in section catchline struck out “; leader’s pay and allowances” after “Band”, and in text struck out designation “(a)”.

1962—Subsec. (b). Pub. L. 87-649 repealed subsec. (b) which related to the pay and allowances of the leader of the United States Navy Band. See sections 207 and 424 of Title 37, Pay and Allowances of the Uniformed Services.

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.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

§ 8287. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member’s ap-

pointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

(1) to be discharged from the Marine Corps; or

(2) to revert to the grade and status such member held at the time of appointment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 388, §6222; Pub. L. 85-861, §1(140), Sept. 2, 1958, 72 Stat. 1508; Pub. L. 87-649, §14c(45), Sept. 7, 1962, 76 Stat. 501; Pub. L. 91-197, Feb. 24, 1970, 84 Stat. 15; Pub. L. 96-513, title V, §513(18), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 109-364, div. A, title V, §599(a), Oct. 17, 2006, 120 Stat. 2238; renumbered §8287, Pub. L. 115-232, div. A, title VIII, §807(b)(12), Aug. 13, 2018, 132 Stat. 1835.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6222	34 U.S.C. 701 (less proviso).	Mar. 4, 1925, ch. 536, §11 (less proviso), 43 Stat. 1274; June 29, 1946, ch. 523, §1(c), 60 Stat. 343; Oct. 12, 1949, ch. 681, §517(a), 63 Stat. 833.

In subsection (b) the second sentence is substituted for the two references to the Career Compensation Act of 1949 and for the words “and with the same number of cumulative years of service”.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6222(a)	34 App.:701.	July 24, 1956, ch. 686, 70 Stat. 628.
6222(b)	34 App.:701-1(a).	
6222(c)	34 App.:701-1(b).	
6222(d)	34 App.:701-2.	
6222(e)	34 App.:701-3.	
6222(f)	34 App.:701-4.	
6222(g)	34 App.:701-5.	

In subsection (a), the words “and appropriate” are omitted as covered by the word “necessary”. The words “and ranks” are omitted as covered by the word “grades”. The second sentence of 34 App.:701 is omitted as covered by section 6224 of this title.

In subsection (b), the words “United States” and “or the United States Marine Corps Reserve” are omitted as unnecessary in view of the definition of “Marine Corps” in section 5001(a)(2) of this title. The words “as authorized by sections 701 to 701-5 of this title” are omitted as surplusage.

In subsection (e), the words “from the United States . . . as provided by law” are omitted by surplusage.

In subsection (f), the words “a member who holds, or has held” are substituted for the words “Directors and assistant directors of the Marine Band and former directors and assistant directors who have held”.

Editorial Notes

PRIOR PROVISIONS

Prior sections 8287 to 8289 were repealed by Pub. L. 96-513, title II, §204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981.

Section 8287, acts Aug. 10, 1956, ch. 1041, 70A Stat. 508; Aug. 21, 1957, Pub. L. 85-155, title III, §301(6), 71 Stat. 386; Sept. 2, 1958, Pub. L. 85-861, §1(169), 72 Stat. 1517; Sept. 30, 1966, Pub. L. 89-609, §1(28), 80 Stat. 854, provided service credit for a person originally appointed in a commissioned grade in Regular Air Force, other than a person appointed as a medical or dental officer, for purpose of determining grade, position on a promotion list, seniority in his grade in Regular Air Force, and

eligibility for promotion, with appointment and service credit restrictions on persons who were cadets at the United States Air Force, Military, or Naval Academies but were not graduated, and a disallowance of service credit under this section for persons who graduated from one of these Academies. See section 533 of this title.

Section 8288, acts Aug. 10, 1956, ch. 1041, 70A Stat. 508; Aug. 2, 1957, Pub. L. 85-155, title III, § 301(7), 71 Stat. 387; Sept. 2, 1958, Pub. L. 85-861, § 1(170), 72 Stat. 1518, provided for determination of grade of a person originally appointed as a commissioned officer in Regular Air Force, other than persons appointed as medical or dental officers. See section 533 of this title.

Section 8289, act Aug. 10, 1956, ch. 1041, 70A Stat. 509, provided that no person be originally appointed as a first lieutenant in Regular Air Force with a view to designation as a medical officer until he passes an examination of his professional fitness before an examining board composed of at least three medical officers designated by Secretary of Air Force. See section 532 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6222 of this title as this section.

2006—Pub. L. 109-364 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to composition of the United States Marine Band, designation of its director and assistant directors, grades upon initial appointment, promotion, retirement, and revocation of appointments.

1980—Subsecs. (e) to (g), Pub. L. 96-513 redesignated subsecs. (f) and (g) as (e) and (f), respectively.

1970—Subsec. (d), Pub. L. 91-197 struck out provision that the grade of the director be no higher than lieutenant colonel and that the grades of the assistant directors be no higher than captain.

1962—Subsec. (e), Pub. L. 87-649 repealed subsec. (e) which related to pay and allowances of members who accepted a commission under this section. See sections 207 and 424 of Title 37, Pay and Allowances of the Uniformed Services.

1958—Pub. L. 85-861 substituted “United States Marine Band” for “United States Marine Corps Band”, and “director; assistant director” for “pay and allowances of leader and second leader” in section catchline.

Subsec. (a), Pub. L. 85-861 authorized one director and two assistant directors instead of one leader and one second leader.

Subsec. (b), Pub. L. 85-861 substituted provisions relating to designation of director and assistant directors for provisions which prescribed the pay and allowances of the leader and second leader.

Subsecs. (c) to (g), Pub. L. 85-861 added subsecs. (c) to (g).

Statutory Notes and Related Subsidiaries

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Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsec. (c)(2) delegated to Secretary of Defense, without authority for Secretary to redelegate, see Ex. Ord. No. 13598, §§1(c), 2, Jan. 27, 2012, 77 F.R. 5371, set out as a note under section 301 of Title 3, The President.

CHAPTER 837—DECORATIONS AND AWARDS

Sec.	
8291.	Medal of honor.
8292.	Navy cross.
8293.	Distinguished-service medal.
8294.	Silver star medal.
8295.	Distinguished flying cross.
8296.	Navy and Marine Corps Medal.
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8305.	Commemorative or special medals: facsimiles and ribbons.
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8307.	Medal of honor: presentation of Medal of Honor Flag.
8308.	Korea Defense Service Medal.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 837, consisting of sections 8351 to 8396, related to appointments as reserved officers in the Air Force, prior to repeal, except for sections 8351 and 8352 (now sections 12212 and 12214 of this title), by Pub. L. 103-337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963.

AMENDMENTS

2019—Pub. L. 116-92, div. A, title V, § 582(b)(2)(B), Dec. 20, 2019, 133 Stat. 1412, struck out item 8299 “Limitation of honorable service”.

2018—Pub. L. 115-232, div. A, title VIII, § 807(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 567 as this chapter and items 6241 to 6258 as 8291 to 8308, respectively.

2004—Pub. L. 108-375, div. A, title X, § 1084(d)(30), Oct. 28, 2004, 118 Stat. 2063, renumbered item 6257 “Korea Defense Service Medal” as 6258.

2002—Pub. L. 107-314, div. A, title V, § 543(c)(2), Dec. 2, 2002, 116 Stat. 2550, added item 6257 “Korea Defense Service Medal”.

Pub. L. 107-248, title VIII, § 8143(c)(2)(B), Oct. 23, 2002, 116 Stat. 1570, added item 6257 “Medal of honor: presentation of Medal of Honor Flag”.

2001—Pub. L. 107-107, div. A, title V, § 553(b)(1)(B), Dec. 28, 2001, 115 Stat. 1116, added item 6256.

Statutory Notes and Related Subsidiaries

EXTENSION OF TIME FOR AWARD OF DECORATION

For extension of time for the award of decorations, or devices in lieu of decorations, for acts or services performed in direct support of military operations in Southeast Asia between July 1, 1958, and Mar. 28, 1973, see Pub. L. 93-469, Oct. 24, 1974, 88 Stat. 1422, set out as a note preceding section 7271 of this title.

§ 8291. Medal of honor

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the naval