

§ 971. Service credit: officers may not count enlisted service performed while serving as cadet or midshipman.

(a) The period of service under an enlistment or period of obligated service while also serving as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy or in the Naval Reserve, under an appointment accepted after June 25, 1956, may not be counted in computing, for any purpose, the length of service of an officer of an armed force.

(b) In computing length of service for any purpose—

(1) no officer of the Navy or Marine Corps may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy, if he was appointed as a midshipman or cadet after March 4, 1913; and

(2) no commissioned officer of the Army or Air Force may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy, if he was appointed as a midshipman or cadet after August 24, 1912.

(As amended Pub. L. 90-235, § 6(a)(1), Jan. 2, 1968, 81 Stat. 761.)

AMENDMENTS

1968—Pub. L. 90-235 designated existing provisions as subsec. (a) and added subsec. (b).

§ 973. Duties: regular officers; performance of civil functions restricted.

(a) No officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard may accept employment if that employment requires him to be separated from his organization, branch, or unit, or interferes with the performance of his military duties.

(b) Except as otherwise provided by law, no officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard may hold a civil office by election or appointment, whether under the United States, a Territory or possession, or a State. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment. (Added Pub. L. 90-235, § 4(a)(5)(A), Jan. 2, 1968, 81 Stat. 759.)

§ 974. Civilian employment: enlisted members.

Except as provided in section 6223 of this title no enlisted member of an armed force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession. (Added Pub. L. 90-235, § 6(a)(6)(A), Jan. 2, 1968, 81 Stat. 762.)

Chapter 51.—RESERVE COMPONENTS: STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

§ 1002. Standards and qualifications: result of failure to comply with.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 1005. Commissioned officers: retention until completion of required service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 1006. Commissioned officers: retention of after completing 18 or more, but less than 20 years of service.

(c) A reserve commissioned officer on active duty (other than for training) who, on the date on which he would otherwise be removed from an active status under section 3846, 3848, 3851, 3852, 6389, 6397, 6403, 6410, 8846, 8848, 8851, or 8852 of this title or section 787 of title 14, and who is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, may, in the discretion of the Secretary concerned, be retained on active duty for a period of not more than two years, if at the end of that period he will be qualified for retirement under one of those sections and will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title. An officer who is retained on active duty under this section may not be removed from an active status while he is on that duty. For officers covered by section 3846, 3847, 3848, 3851, or 3852 of this title, the ages at which transfer from an active status or discharge is required are those set forth in section 3843, 3844, or 3845 of this title, or section 21(e) of the Act enacting this section, as the case may be. (As amended Pub. L. 90-130, § 1(4), Nov. 8, 1967, 81 Stat. 374.)

AMENDMENTS

1967—Subsec. (c). Pub. L. 90-130 eliminated references to sections 3847 and 8847 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 1007. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

Chapter 53.—MISCELLANEOUS RIGHTS AND BENEFITS

Sec.

1035. Deposits of savings.

1040. Transportation of dependent patients.

1040. Replacement of certificate of discharge.

AMENDMENTS

1968—Pub. L. 90-235, § 7(a)(2)(B), Jan. 2, 1968, 81 Stat. 763, added item 1040: "Replacement of certificate of discharge". Another item 1040: "Transportation of dependent patients", was added by Pub. L. 89-140, § 1(2), Aug. 28, 1965, 79 Stat. 579.

1966—Pub. L. 89-538, § 1(2), Aug. 14, 1966, 80 Stat. 347, substituted "Deposits of savings" for "Enlisted members' deposits" in item 1035.