

Public Law 94-225
94th Congress

An Act

Mar. 4, 1976

[S. 2117]

To amend section 5202 of title 10, United States Code, relating to the detail, pay, and succession to duties of the Assistant Commandant of the Marine Corps and to amend title 10 of the United States Code in order to make certain disability retirement determinations by the Secretaries of the military departments subject to review by the Secretary of Defense.

Armed Forces.
Marine Corps,
Assistant
Commandant.

Repeal.

Disability
retirement,
review.

10 USC 1201.

10 USC 1202.

10 USC 1203.

10 USC 1216
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 5202 of title 10, United States Code, is amended by striking out the colon after the word "Senate" and all that follows down through the word "appointment".

(b) Subsection (e) of section 5202 of such title is repealed.

SEC. 2. (a) Section 1216 of title 10, United States Code, is amended—

(1) by striking out "The Secretary" in subsection (b) and inserting in lieu thereof "Except as provided in subsection (d) of this section, the Secretary"; and

(2) by adding at the end thereof the following new subsection:

"(d) The Secretary concerned may not, with respect to any member who is in pay grade O-7 or higher or is a Medical Corps officer or medical officer of the Air Force being processed for retirement under any provisions of this title by reason of age or length of service—

"(1) retire such member under section 1201 of this title;

"(2) place such member on the temporary disability retired list pursuant to section 1202 of this title; or

"(3) separate such member from an armed force pursuant to section 1203 of this title

by reason of unfitness to perform the duties of his office, grade, rank, or rating unless the determination of the Secretary concerned with respect to unfitness is first approved by the Secretary of Defense on the recommendation of the Assistant Secretary of Defense for Health and Environment."

(b) The amendments made by subsection (a) of this section shall apply with respect to unfitness determinations made on or after the date of the enactment of this Act by the Secretaries of the military departments concerned for purposes of sections 1201, 1202, and 1203 of title 10, United States Code.

Approved March 4, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-819 (Comm. on Armed Services).

SENATE REPORT No. 94-561 (Comm. on Armed Services).

CONGRESSIONAL RECORD:

Vol. 121 (1975): Dec. 17, considered and passed Senate.

Vol. 122 (1976): Feb. 17, considered and passed House, amended.

Feb. 23, Senate concurred in House amendments.