

Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-163, div. A, title V, §515(b)(1)(A), Jan. 6, 2006, 119 Stat. 3233.)

REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (c), is act June 24, 1948, ch. 625, 62 Stat. 604, which was classified principally to section 451 et seq. of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 49 (§3801 et seq.) of Title 50. Section 6(c)(2)(A) of the Act is classified to section 3806(c)(2)(A) of Title 50. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 513, act Aug. 10, 1956, ch. 1041, 70A Stat. 18, related to promotion of enlisted members of Reserve components, prior to repeal by Pub. L. 85-861, §36B(1), Sept. 2, 1958, 72 Stat. 1570.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1999—Subsec. (b)(1). Pub. L. 106-65 substituted “additional 365 days” for “additional 180 days” in second sentence.

1996—Subsec. (b). Pub. L. 104-201 inserted “The Secretary concerned may extend the 365-day period for any person for up to an additional 180 days if the Secretary determines that it is in the best interests of the armed force of which that person is a member to do so.” after first sentence, “(1)” before “Unless”, and “(2)” before “During” and substituted “paragraph (1)” for “the preceding sentence”.

1990—Subsecs. (b), (c). Pub. L. 101-510 substituted “subsection (a)” for “paragraph (1)”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, §572(b), Oct. 5, 1999, 113 Stat. 623, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into, on or after that date.”

ARMY COLLEGE FIRST PILOT PROGRAM

Pub. L. 106-65, div. A, title V, §573, Oct. 5, 1999, 113 Stat. 623, as amended by Pub. L. 107-107, div. A, title V, §542(a)-(c), Dec. 28, 2001, 115 Stat. 1110, 1111; Pub. L. 107-314, div. A, title V, §535, title X, §1062(j)(1), Dec. 2, 2002, 116 Stat. 2548, 2651, directed the Secretary of the Army to establish a pilot program, known as the “Army College First” program, to be in effect from Oct. 1, 1999, to Sept. 30, 2004, to assess whether the Army could increase the number and qualifications of persons entering the Army as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service, and to submit to committees of Congress a report on the program not later than Feb. 1, 2004. See section 511 of this title and section 551(b) of Pub. L. 108-375, set out as a note under section 511 of this title.

§ 514. Bounties prohibited; substitutes prohibited

(a) No bounty may be paid to induce any person to enlist in an armed force. A clothing allowance or enlistment bonus authorized by law is not a bounty for the purposes of this subsection.

(b) No person liable for active duty in an armed force under this subtitle may furnish a substitute for that active duty. No person may be enlisted or appointed in an armed force as a substitute for another person.

(Aug. 10, 1956, ch. 1041, 70A Stat. 19.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
514(a)	50 App.:458 (1st sentence, less applicability to induction).	June 24, 1948, ch. 625, §8 (less applicability to induction), 62 Stat. 614.
514(b)	50 App.:458 (last sentence, less applicability to induction).	

In subsection (b), the words “active duty” are substituted for the words “training and service”. The word “may” is substituted for the words “shall be permitted or allowed”. The last sentence is substituted for 50 App.:458 (words between 1st and last semicolons). 50 App.:458 (words after last semicolon) is omitted as applicable only to induction.

§ 515. Reenlistment after discharge as warrant officer

A person who has been discharged from a regular component of an armed force under section 1165 or 1166 of this title may, upon his request and in the discretion of the Secretary concerned, be enlisted in that armed force in the grade prescribed by the Secretary. However, a person discharged under section 1165 of this title may not be enlisted in a grade lower than the grade that he held immediately before appointment as a warrant officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 19.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
515	10:600d (last 36 words of last sentence). 34:135d (last 36 words of last sentence). 10:600m (last 21 words of 3d sentence). 34:430a (last 21 words of 3d sentence).	May 29, 1954, ch. 249, §§6 (last 36 words of last sentence), 15 (last 21 words of 3d sentence), 68 Stat. 159, 164.

The first 20 words are inserted for clarity. The word “request” is substituted for the word “application”.

§ 516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman

(a) The enlistment or period of obligated service of an enlisted member of the armed forces who accepts an appointment 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 Navy Reserve, may not be terminated because of the acceptance of that appointment. However, while serving as a cadet or midshipman at an Academy, he is entitled only to the pay, allowances, compensation, pensions, and other benefits provided by law for such a cadet or midshipman or, if he is a midshipman in the Navy Reserve, to the compensation and emoluments of a midshipman in the Navy Reserve.

(b) If a person covered by subsection (a) is separated from service as a cadet or midshipman,

or from service as a midshipman in the Navy Reserve, for any reason other than his appointment as a commissioned officer of a regular or reserve component of an armed force or because of a physical disability, he resumes his enlisted status and shall complete the period of service for which he was enlisted or for which he has an obligation, unless he is sooner discharged. In computing the unexpired part of an enlistment or period of obligated service for the purposes of this subsection, all service as a cadet or midshipman is counted as service under that enlistment or period of obligated service.

(Added Pub. L. 85-861, §1(9)(A), Sept. 2, 1958, 72 Stat. 1439; amended Pub. L. 109-163, div. A, title V, § 515(b)(1)(B), Jan. 6, 2006, 119 Stat. 3233.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
516(a)	50:1411.	June 25, 1956, ch. 439, §§ 1, 2, 70 Stat. 333.
516(b)	50:1412.	

In subsection (a), the words “on or after June 25, 1956” are omitted as executed. The words “Regular, Reserve” and “during the continuation of the cadet or midshipman status of such member” are omitted as surplusage. The words “if he is a midshipman in the Naval Reserve * * * of a midshipman in the Naval Reserve” are substituted for the words “accruing to such reserve midshipman by virtue of his status in the Naval Reserve”.

In subsection (b), the words “a person covered by subsection (a)” are substituted for 50:1412 (1st 84 words of 1st sentence). The words “his appointment as a commissioned officer of” are substituted for the words “the acceptance of a commission in”. The words “and shall complete the period of service for which he was enlisted or for which he has an obligation, unless he is sooner discharged” are substituted for 50:1412 (2d sentence). The words “promoted or” are omitted as unnecessary, since the only kind of promotion involved is that to officer, in which case the member is discharged from his enlisted status. The words “as service under that enlistment” are substituted for the words “as time served under such contract”.

AMENDMENTS

2006—Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve” wherever appearing.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 517. Authorized daily average: members in pay grades E-8 and E-9

(a) The authorized daily average number of enlisted members on active duty (other than for training) in an armed force in pay grades E-8 and E-9 in a fiscal year may not be more than 2.5 percent and 1.25 percent, respectively, of the number of enlisted members of that armed force who are on active duty (other than for training) on the first day of that fiscal year. In computing the limitations prescribed in the preceding sentence, there shall be excluded enlisted members

of an armed force on active duty as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.

(b) Whenever the number of members serving in pay grade E-9 is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E-8.

(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.

(Added Pub. L. 87-649, §2(1), Sept. 7, 1962, 76 Stat. 492; amended Pub. L. 96-584, §4, Dec. 23, 1980, 94 Stat. 3377; Pub. L. 97-86, title V, §503(1), (2), Dec. 1, 1981, 95 Stat. 1107, 1108; Pub. L. 97-252, title V, §503(a), Sept. 8, 1982, 96 Stat. 727; Pub. L. 98-94, title V, §503(a), Sept. 24, 1983, 97 Stat. 631; Pub. L. 98-525, title IV, §§413(a), 414(a)(2), Oct. 19, 1984, 98 Stat. 2517, 2518; Pub. L. 99-145, title IV, §413(a), Nov. 8, 1985, 99 Stat. 619; Pub. L. 100-180, div. A, title IV, §413(a), Dec. 4, 1987, 101 Stat. 1083; Pub. L. 101-189, div. A, title IV, §413(a), Nov. 29, 1989, 103 Stat. 1433; Pub. L. 102-190, div. A, title IV, §413(a), Dec. 5, 1991, 105 Stat. 1352; Pub. L. 103-160, div. A, title IV, §413(a), Nov. 30, 1993, 107 Stat. 1642; Pub. L. 103-337, div. A, title V, §552(a), title XVI, §1662(a)(4), Oct. 5, 1994, 108 Stat. 2772, 2988; Pub. L. 105-261, div. A, title IV, §407(a), title X, §1069(a)(2), Oct. 17, 1998, 112 Stat. 1996, 2135; Pub. L. 106-398, §1 [[div. A], title IV, §421(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-95; Pub. L. 107-107, div. A, title IV, §403, Dec. 28, 2001, 115 Stat. 1069; Pub. L. 108-375, div. A, title IV, §416(f), Oct. 28, 2004, 118 Stat. 1868; Pub. L. 110-181, div. A, title IV, §406, Jan. 28, 2008, 122 Stat. 89.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
517	37:232(c) (last sentence).	Oct. 12, 1949, ch. 681, §201(c) (last sentence); added May 20, 1958, Pub. L. 85-422, §1(3) (last sentence), 72 Stat. 124.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “1.25 percent” for “1 percent”.

2004—Subsec. (a). Pub. L. 108-375 substituted “as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.” for “(other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force.”

2001—Subsec. (a). Pub. L. 107-107 substituted “2.5 percent” for “2 percent (or, in the case of the Army, 2.5 percent)”.

2000—Subsec. (c). Pub. L. 106-398 added subsec. (c).
1998—Subsec. (a). Pub. L. 105-261, §1069(a)(2), substituted “The authorized” for “Except as provided in section 307 of title 37, the authorized”.

Pub. L. 105-261, §407(a), substituted “a fiscal year” for “a calendar year” and “the first day of that fiscal year” for “January 1 of that year”.