

Armed Forces described in subsection (a)(2)(A) in response to the first substantiated violation by the member of the policy required by subsection (a), when the member is not otherwise punitively discharged or dismissed from the Armed Forces for that violation.

“(B) The Secretary of a military department shall revise regulations applicable to the Armed Forces under the jurisdiction of that Secretary as necessary to ensure compliance with the requirement under subparagraph (A).

“(2) REQUIRED ELEMENTS.—(A) In imposing the requirement under paragraph (1), the Secretaries shall ensure that any separation decision regarding a member of the Armed Forces is based on the full facts of the case and that due process procedures are provided under existing law or regulations or additionally prescribed, as considered necessary by the Secretaries, pursuant to subsection (f).

“(B) The requirement imposed by paragraph (1) shall not be interpreted to limit or alter the authority of the Secretary of a military department and the Secretary of the Department in which the Coast Guard is operating to process members of the Armed Forces for administrative separation—

“(i) for reasons other than a substantiated violation of the policy required by subsection (a); or

“(ii) under other provisions of law or regulation.

“(3) SUBSTANTIATED VIOLATION.—For purposes of paragraph (1), a violation by a member of the Armed Forces described in subsection (a)(2)(A) of the policy required by subsection (a) shall be treated as substantiated if—

“(A) there has been a court-martial conviction for violation of the policy, but the adjudged sentence does not include discharge or dismissal; or

“(B) a nonjudicial punishment authority under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), has determined that a member has committed an offense in violation of the policy and imposed nonjudicial punishment upon the member.

“(d) REPORT ON NEED FOR UCMJ PUNITIVE ARTICLE.—Not later than 120 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the recommendations of the Secretary regarding the need to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to create an additional article under subchapter X of such chapter to address violations of the policy required by subsection (a).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘entry-level processing or training’, with respect to a member of the Armed Forces, means the period beginning on the date on which the member became a member of the Armed Forces and ending on the date on which the member physically arrives at that member’s first duty assignment following completion of initial entry training (or its equivalent), as defined by the Secretary of the military department concerned or the Secretary of the Department in which the Coast Guard is operating.

“(2) The term ‘prospective member of the Armed Forces’ means a person who is pursuing or has recently pursued becoming a member of the Armed Forces and who has had a face-to-face meeting with a member of the Armed Forces assigned or attached to duty described in subsection (a)(3)(A) regarding becoming a member of the Armed Forces, regardless of whether the person eventually becomes a member of the Armed Forces.

“(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act [Dec. 26, 2013], the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating shall issue such regulations as may be necessary to carry out this section. The Secretary of Defense shall ensure that, to the extent practicable, the regulations are uniform for

each armed force under the jurisdiction of that Secretary.”

**CHAPTER 31—ENLISTMENTS**

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AMENDMENTS

- 2004—Pub. L. 108-375, div. A, title V, §551(a)(2), Oct. 28, 2004, 118 Stat. 1911, added item 511.
- 2003—Pub. L. 108-136, div. A, title X, §1031(a)(8)(B), Nov. 24, 2003, 117 Stat. 1597, substituted “provision of meals and refreshments” for “use of funds” in item 520c.
- 2002—Pub. L. 107-314, div. A, title V, §531(a)(2), Dec. 2, 2002, 116 Stat. 2544, added item 510.
- 2000—Pub. L. 106-398, §1 [[div. A], title X, §1076(g)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-282, struck out item 520a “Criminal history information for military recruiting purposes”.
- 1996—Pub. L. 104-201, div. A, title III, §361(b), Sept. 23, 1996, 110 Stat. 2491, added item 520c.
- 1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(3), Oct. 5, 1994, 108 Stat. 3013, as amended by Pub. L. 104-106, div. A, title XV, §1501(a)(8)(A), Feb. 10, 1996, 110 Stat. 495, struck out items 510 “Reserve components: qualifications”, 511 “Reserve components: terms”, and 512 “Reserve components: transfers”.
- 1989—Pub. L. 101-189, div. A, title V, §501(a)(2), Nov. 29, 1989, 103 Stat. 1435, added item 513.
- 1985—Pub. L. 99-145, title XIII, §1303(a)(4)(B), Nov. 8, 1985, 99 Stat. 738, substituted “enlistment” for “enlistments” in item 520b.
- 1984—Pub. L. 98-525, title XIV, §1401(a)(2), Oct. 19, 1984, 98 Stat. 2614, added item 520b.
- 1982—Pub. L. 97-252, title XI, §1114(b)(3), (c)(2), Sept. 8, 1982, 96 Stat. 749, 750, inserted “; compilation of directory information” in item 503, and added item 520a.
- 1980—Pub. L. 96-342, title III, §302(b)(2), Sept. 8, 1980, 94 Stat. 1083, added item 520.
- 1968—Pub. L. 90-623, §2(2), Oct. 22, 1968, 82 Stat. 1314, struck out “or national emergency” after “extension of enlistments during war” in item 506.

Pub. L. 90-235, §2(a)(1)(C), Jan. 2, 1968, 81 Stat. 755, redesignated item 501 as 502, and added items 501, 503 to 509, 518 and 519.

1962—Pub. L. 87-649, §2(2), Sept. 7, 1962, 76 Stat. 492, added item 517.

1958—Pub. L. 85-861, §1(9)(B), (C), Sept. 2, 1958, 72 Stat. 1440, struck out item 513 “Reserve components: promotions” and added item 516.

### § 501. Definition

In this chapter “enlistment” means original enlistment or reenlistment.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 753.)

#### PRIOR PROVISIONS

A prior section 501 was renumbered 502 of this title.

### § 502. Enlistment oath: who may administer

(a) ENLISTMENT OATH.—Each person enlisting in an armed force shall take the following oath:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.”

(b) WHO MAY ADMINISTER.—The oath may be taken before the President, the Vice-President, the Secretary of Defense, any commissioned officer, or any other person designated under regulations prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 17, §501; Pub. L. 87-751, §1, Oct. 5, 1962, 76 Stat. 748; renumbered §502, Pub. L. 90-235, §2(a)(1)(A), Jan. 2, 1968, 81 Stat. 753; Pub. L. 101-189, div. A, title VI, §653(a)(1), Nov. 29, 1989, 103 Stat. 1462; Pub. L. 109-364, div. A, title V, §595(a), Oct. 17, 2006, 120 Stat. 2235.)

#### HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)              |
|-----------------|--------------------|---|
| 501 .....       | 50:737.            | May 5, 1950, ch. 169, §8, 64 Stat. 146. |

The words “or affirmation” are omitted as covered by the definition of the word “oath” in section 1 of title 1. The words “of any armed force” are inserted in the last sentence, since they are necessarily implied by their use in the source statute.

#### REFERENCES IN TEXT

The Uniform Code of Military Justice, referred to in the oath, is classified to chapter 47 (§801 et seq.) of this title.

#### AMENDMENTS

2006—Pub. L. 109-364 designated existing provisions as subsec. (a), inserted heading, struck out concluding provisions which read as follows: “This oath may be taken before any commissioned officer of any armed force.”, and added subsec. (b).

1989—Pub. L. 101-189 struck out “or affirmation” after “This oath”.

1962—Pub. L. 87-751 substituted “support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith

and allegiance to the same” for “bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever” and inserted “So help me God” in the oath, and “or affirmation” in text.

#### EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-751, §3, Oct. 5, 1962, 76 Stat. 748, provided that: “This Act [amending this section and section 304 of Title 32, National Guard] does not affect any oath taken before one year after its enactment [Oct. 5, 1962].”

### § 503. Enlistments: recruiting campaigns; compilation of directory information

(a) RECRUITING CAMPAIGNS.—(1) The Secretary concerned shall conduct intensive recruiting campaigns to obtain enlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, and Regular Coast Guard.

(2) The Secretary of Defense shall act on a continuing basis to enhance the effectiveness of recruitment programs of the Department of Defense (including programs conducted jointly and programs conducted by the separate armed forces) through an aggressive program of advertising and market research targeted at prospective recruits for the armed forces and those who may influence prospective recruits. Subchapter I of chapter 35 of title 44 shall not apply to actions taken as part of that program.

(b) COMPILATION OF DIRECTORY INFORMATION.—(1) The Secretary of Defense may collect and compile directory information pertaining to each student who is 17 years of age or older or in the eleventh grade (or its equivalent) or higher and who is enrolled in a secondary school in the United States or its territories, possessions, or the Commonwealth of Puerto Rico.

(2) The Secretary may make directory information collected and compiled under this subsection available to the armed forces for military recruiting purposes. Such information may not be disclosed for any other purpose.

(3) Directory information pertaining to any person may not be maintained for more than 3 years after the date the information pertaining to such person is first collected and compiled under this subsection.

(4) Directory information collected and compiled under this subsection shall be confidential, and a person who has had access to such information may not disclose such information except for the purposes described in paragraph (2).

(5) The Secretary of Defense shall prescribe regulations to carry out this subsection. Regulations prescribed under this subsection shall be submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. Regulations prescribed by the Secretaries concerned to carry out this subsection shall be as uniform as practicable.

(6) Nothing in this subsection shall be construed as requiring, or authorizing the Secretary of Defense to require, that any educational institution furnish directory information to the Secretary.

(c) ACCESS TO SECONDARY SCHOOLS.—(1)(A) Each local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965—