

and E-9 on active duty affecting reserve components of the armed forces: Army, to 2,295 and 517 from 1,494 and 314; Air Force, to 455 and 87 from 617 and 143; Marine Corps, to 74 and 9 from 56 and 6. Navy figures remained unchanged.

1983—Subsec. (b). Pub. L. 98-94 increased fiscal year limitation on number of enlisted men in pay grades E-8 and E-9 on active duty affecting reserve components of the armed forces: Army, to 1,494 and 314 from 1,244 and 265; Navy, to 381 and 156 from 329 and 156; Air Force, to 617 and 143 from 441 and 132; Marine Corps figures remained unchanged.

1982—Subsec. (b). Pub. L. 97-252 increased the numbers in columns from 222, 146, 76, and 4 in the line for E-9 to 265, 156, 132, and 6, respectively, and from 908, 319, 307, and 12 in line for E-8 to 1,244, 329, 441, and 56, respectively.

1981—Subsec. (b). Pub. L. 97-86, §503(1), inserted column for “Marine Corps” in table and increased numbers in existing columns headed “Army”, “Navy”, and “Air Force” from 209, 140, and 71 in line for E-9 to 222, 146, and 76, respectively, and from 823, 302, and 302 in line for E-8 to 908, 319, and 307, respectively.

Subsec. (c). Pub. L. 97-86, §503(2), added subsec. (c).

1980—Pub. L. 96-584 designated existing provisions as subsec. (a), inserted provisions respecting computation of limitations, and added subsec. (b).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title IV, §407(b), Oct. 17, 1998, 112 Stat. 1996, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1999.”

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title V, §552(c), Oct. 5, 1994, 108 Stat. 2772, provided that: “The amendment made by subsection (a) [amending this section] shall not apply with respect to the number of enlisted members of the Army on active duty in pay grade E-8 during 1994.”

Amendment by section 1662(a)(4) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title IV, §413(a)(2), Nov. 29, 1989, 103 Stat. 1433, provided that the amendment made by that section is effective Oct. 1, 1990.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-180, div. A, title IV, §413(a)(2), Dec. 4, 1987, 101 Stat. 1083, provided that the amendment made by that section is effective Oct. 1, 1988.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title IV, §413(c), Nov. 8, 1985, 99 Stat. 620, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1985.”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title IV, §413(c), Oct. 19, 1984, 98 Stat. 2518, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1984.”

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-94, title V, §503(c), Sept. 24, 1983, 97 Stat. 631, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 524 [now 12011] of this title] shall take effect on October 1, 1983.”

EFFECTIVE DATE

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

AUTHORIZED ACTIVE DUTY STRENGTHS FOR ARMY ENLISTED MEMBERS IN PAY GRADE E-8; SPECIAL RULE FOR 1995

Pub. L. 103-337, div. A, title V, §552(b), Oct. 5, 1994, 108 Stat. 2772, provided that the percentage applicable to enlisted members of the Army in pay grade E-8 under subsec. (a) of this section during 1995 would be 2.3 percent, rather than the percentage provided by the amendment made by Pub. L. 103-337, §552(a).

AUTHORITY TO WAIVE GRADE STRENGTH LAWS FOR FISCAL YEAR 1991; CERTIFICATION; RELATIONSHIP TO OTHER SUSPENSION AUTHORITY

Pub. L. 102-25, title II, §§201(b), 202, 205(b), Apr. 6, 1991, 105 Stat. 79, 80, authorized Secretary of a military department to suspend, for fiscal year 1991, the operation of any provision of this section and section 523, 524 (now 12011), 525, or 526 of this title with respect to that military department, that such Secretary may exercise such authority only after submission to the congressional defense committees of a certification in writing that such authority is necessary because of personnel actions associated with Operation Desert Storm, and that such authority is in addition to the authority provided in section 527 of this title.

§ 518. Temporary enlistments

Temporary enlistments may be made only in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be, without specification of component.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 755.)

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.

§ 519. Temporary enlistments: during war or emergency

Except as provided in section 505 of this title and except for enlistments as Reserves of an armed force—

(1) temporary enlistments in an armed force entered into in time of war or of emergency declared by Congress shall be for the duration of the war or emergency plus six months; and

(2) only persons at least eighteen years of age and otherwise qualified under regulations to be prescribed by the Secretary concerned are eligible for such enlistments.

(Added Pub. L. 90-235, §2(a)(1)(B), Jan. 2, 1968, 81 Stat. 755.)

§ 520. Limitation on enlistment and induction of persons whose score on the Armed Forces Qualification Test is below a prescribed level

(a) The number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in any armed force during any fiscal year whose score on the Armed

Forces Qualification Test is at or above the tenth percentile and below the thirty-first percentile may not exceed 20 percent of the total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in such armed force during such fiscal year.

(b) A person who is not a high school graduate may not be accepted for enlistment in the armed forces unless the score of that person on the Armed Forces Qualification Test is at or above the thirty-first percentile; however, a person may not be denied enlistment in the armed forces solely because of his not having a high school diploma if his enlistment is needed to meet established strength requirements.

(Added Pub. L. 96-342, title III, §302(b)(1), Sept. 8, 1980, 94 Stat. 1082; amended Pub. L. 96-579, §9, Dec. 23, 1980, 94 Stat. 3368; Pub. L. 97-86, title IV, §402(b)(1), Dec. 1, 1981, 95 Stat. 1104; Pub. L. 98-94, title XII, §1268(3), Sept. 24, 1983, 97 Stat. 705; Pub. L. 100-370, §1(a)(1), July 19, 1988, 102 Stat. 840.)

HISTORICAL AND REVISION NOTES 1988 ACT

Amendment of subsection (b) is based on Pub. L. 93-307, title IV, §401, June 8, 1974, 88 Stat. 234, as amended by Pub. L. 93-365, title VII, §705, Aug. 5, 1974, 88 Stat. 406.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-370 inserted before period at end “; however, a person may not be denied enlistment in the armed forces solely because of his not having a high school diploma if his enlistment is needed to meet established strength requirements”.

1983—Subsec. (a). Pub. L. 98-94 struck out provisions under which, for fiscal years beginning on October 1, 1980, and October 1, 1981, the total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in the armed forces during such fiscal years whose score on the Armed Forces Qualification Test was at or above the tenth percentile and below the thirty-first percentile could not exceed 25 percent of the number of such persons enlisted or inducted into the armed forces during such fiscal years, and, in the provisions remaining applicable to fiscal years beginning after Sept. 30, 1982, substituted “20 percent of the total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in such armed force” for “20 percent of the number of such persons enlisted or inducted into such armed force”.

1981—Pub. L. 97-86 designated existing provisions as subsec. (a) and added subsec. (b).

1980—Pub. L. 96-579 struck out subsec. (a) designation and subsec. (b) authorizing the Secretary of Defense for national security reasons to waive the enlistment and induction limitation based on percentile limits conditioned upon notification of the Congress and a concurrent resolution of approval.

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-86, title IV, §402(b)(2), Dec. 1, 1981, 95 Stat. 1105, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act [Dec. 1, 1981].”

PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTMENT IN ARMED FORCES

Pub. L. 105-261, div. A, title V, §571, Oct. 17, 1998, 112 Stat. 2033, as amended by Pub. L. 106-65, div. A, title X,

§1067(3), Oct. 5, 1999, 113 Stat. 774, directed the Secretary of Defense to establish a pilot program during the period Oct. 1, 1998, to Sept. 30, 2003, to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining eligibility of those persons to enlist in the Armed Forces, and to submit to committees of Congress a report on the program not later than Feb. 1, 2004.

MAXIMUM NUMBER OF ARMY ENLISTEES AND INDUCTEES WHO ARE NOT HIGH SCHOOL GRADUATES

Pub. L. 96-342, title III, §302(a), Sept. 8, 1980, 94 Stat. 1082, as amended by Pub. L. 97-86, title IV, §402(a), Dec. 1, 1981, 95 Stat. 1104; Pub. L. 97-252, title IV, §403, Sept. 8, 1982, 96 Stat. 725; Pub. L. 98-94, title IV, §402, Sept. 24, 1983, 97 Stat. 629; Pub. L. 98-525, title IV, §402, Oct. 19, 1984, 98 Stat. 2516; Pub. L. 99-145, title IV, §402, Nov. 8, 1985, 99 Stat. 618, provided that the number of male individuals enlisted or inducted into the Army during the fiscal year beginning on Oct. 1, 1985, who were not high school graduates could not exceed, as of Sept. 30, 1986, 35 percent of all male individuals enlisted or inducted into the Army during such fiscal year.

DENIAL OF ENLISTMENT FOR LACK OF HIGH SCHOOL DIPLOMA PROHIBITED

Pub. L. 93-307, title IV, §401, June 8, 1974, 88 Stat. 234, as amended by Pub. L. 93-365, title VII, §705, Aug. 5, 1974, 88 Stat. 406, which provided that no volunteer for enlistment into the Armed Forces shall be denied enlistment solely because of his not having a high school diploma when his enlistment is needed to meet established strength requirements, was repealed and re-stated in sections 520(b) and 3262 of this title by Pub. L. 100-370, §1(a), July 19, 1988, 102 Stat. 840.

[§ 520a. Repealed. Pub. L. 106-398, § 1 [[div. A], title X, § 1076(g)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-282]

Section, added Pub. L. 97-252, title XI, §1114(c)(1), Sept. 8, 1982, 96 Stat. 749; amended Pub. L. 104-106, div. A, title XV, §1502(a)(1), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774, related to criminal history information for military recruiting purposes.

§ 520b. Applicants for enlistment: authority to use funds for the issue of authorized articles

Funds appropriated to the Department of Defense may be used for the issue of authorized articles to applicants for enlistment.

(Added Pub. L. 98-525, title XIV, §1401(a)(1), Oct. 19, 1984, 98 Stat. 2614; amended Pub. L. 99-145, title XIII, §1303(a)(4)(A), Nov. 8, 1985, 99 Stat. 738.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, §101(h) [title VIII, §8006], 98 Stat. 1904, 1923.

Dec. 8, 1983, Pub. L. 98-212, title VII, §709, 97 Stat. 1439.

Dec. 21, 1982, Pub. L. 97-377, title I, §101(c) [title VII, §709], 96 Stat. 1833, 1851.

Dec. 29, 1981, Pub. L. 97-114, title VII, §709, 95 Stat. 1579.

Dec. 15, 1980, Pub. L. 96-527, title VII, §709, 94 Stat. 3081.

Dec. 21, 1979, Pub. L. 96-154, title VII, §709, 93 Stat. 1153.

Oct. 13, 1978, Pub. L. 95-457, title VIII, §809, 92 Stat. 1244.