

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.

Sept. 21, 1977, Pub. L. 95-111, title VIII, § 808, 91 Stat. 900.

Sept. 22, 1976, Pub. L. 94-419, title VII, § 708, 90 Stat. 1292.

Feb. 9, 1976, Pub. L. 94-212, title VII, § 708, 90 Stat. 169.

Oct. 8, 1974, Pub. L. 93-437, title VIII, § 808, 88 Stat. 1225.

Jan. 2, 1974, Pub. L. 93-238, title VII, § 708, 87 Stat. 1039.

Oct. 26, 1972, Pub. L. 92-570, title VII, § 708, 86 Stat. 1197.

Dec. 18, 1971, Pub. L. 92-204, title VII, § 708, 85 Stat. 728.

Jan. 11, 1971, Pub. L. 91-668, title VIII, § 808, 84 Stat. 2031.

Dec. 29, 1969, Pub. L. 91-171, title VI, § 608, 83 Stat. 480.

Oct. 17, 1968, Pub. L. 90-580, title V, § 507, 82 Stat. 1130.

Sept. 29, 1967, Pub. L. 90-96, title VI, § 607, 81 Stat. 242.

Oct. 15, 1966, Pub. L. 89-687, title VI, § 607, 80 Stat. 991.

Sept. 29, 1965, Pub. L. 89-213, title VI, § 607, 79 Stat. 874.

Aug. 19, 1964, Pub. L. 88-446, title V, § 507, 78 Stat. 475.

Oct. 17, 1963, Pub. L. 88-149, title V, § 507, 77 Stat. 264.

Aug. 9, 1962, Pub. L. 87-577, title V, § 507, 76 Stat. 328.

Aug. 17, 1961, Pub. L. 87-144, title II, § 201, 75 Stat. 367, 369.

July 7, 1960, Pub. L. 86-601, title II, § 201, 74 Stat. 340, 342.

Aug. 18, 1959, Pub. L. 86-166, title II, § 201, 73 Stat. 368, 370.

Aug. 22, 1958, Pub. L. 85-724, title III, § 301, title V, § 501, 72 Stat. 714, 721.

Aug. 2, 1957, Pub. L. 85-117, title III, § 301, title V, § 501, 71 Stat. 314, 321.

July 2, 1956, ch. 488, title III, § 301, title V, § 501, 70 Stat. 457, 464.

July 13, 1955, ch. 358, title III, § 301, title V, § 501, 69 Stat. 304, 312.

June 30, 1954, ch. 432, title IV, § 401, title VI, § 601, 68 Stat. 339, 347.

Aug. 1, 1953, ch. 305, title III, § 301, title V, § 501, 67 Stat. 339, 348.

July 10, 1952, ch. 630, title III, § 301, title V, § 501, 66 Stat. 520, 530.

Oct. 18, 1951, ch. 512, title III, § 301, title V, § 501, 65 Stat. 429, 443.

Sept. 6, 1950, ch. 896, Ch. X, title III, § 301, title V, § 501, 64 Stat. 735, 750.

Oct. 29, 1949, ch. 787, title III, § 301, title V, § 501, 63 Stat. 992, 1015.

June 24, 1948, ch. 632, 62 Stat. 655.

July 30, 1947, ch. 357, title I, § 1, 61 Stat. 557.

July 16, 1946, ch. 583, § 1, 60 Stat. 547, 548.

July 3, 1945, ch. 265, § 1, 59 Stat. 390.

June 28, 1944, ch. 303, § 1, 58 Stat. 580.

July 1, 1943, ch. 185, § 1, 57 Stat. 354.

July 2, 1942, ch. 477, § 1, 56 Stat. 617.

June 30, 1941, ch. 262, § 1, 55 Stat. 373.

June 13, 1940, ch. 343, § 1, 54 Stat. 358, 359.

Apr. 26, 1939, ch. 88, § 1, 53 Stat. 600.

June 11, 1938, ch. 37, § 1, 52 Stat. 649.

July 1, 1937, ch. 423, § 1, 50 Stat. 450.

May 15, 1936, ch. 404, § 1, title I, 49 Stat. 1286.

Apr. 9, 1935, ch. 54, § 1, title I, 49 Stat. 128.

Apr. 26, 1934, ch. 165, title I, 48 Stat. 621.

Mar. 4, 1933, ch. 281, title I, 47 Stat. 1577.

July 14, 1932, ch. 482, title I, 47 Stat. 670, 671.

Feb. 23, 1931, ch. 279, title I, 46 Stat. 1283, 1284.

May 28, 1930, ch. 348, title I, 46 Stat. 438.

Feb. 28, 1929, ch. 366, title I, 45 Stat. 1356.

Mar. 23, 1928, ch. 232, title I, 45 Stat. 332.

Feb. 23, 1927, ch. 167, title I, 44 Stat. 1113.

Apr. 15, 1926, ch. 146, title I, 44 Stat. 262.

Feb. 12, 1925, ch. 225, title I, 43 Stat. 900.

AMENDMENTS

1985—Pub. L. 99-145 substituted “enlistment” for “enlistments”.

EFFECTIVE DATE

Pub. L. 98-525, title XIV, § 1404, Oct. 19, 1984, 98 Stat. 2621, provided that: “The amendments made by sections

1401 [enacting this section and sections 956, 979 to 981, 1047 to 1050, 1074b [now 1074c], 1093, 1589, 2007 to 2009, 2484, 2638, and 2639 of this title, amending sections 1074, 1077, 1079, 2104, and 7204 of this title, and repealing section 7208 of this title], 1402 [enacting section 306a of Title 37, Pay and Allowances of the Uniformed Services, and amending sections 206 and 404 of Title 37], and 1403 [amending provisions set out as a note under section 138 of this title and repealing provisions set out as notes under sections 138 and 2102 of this title] take effect on October 1, 1985.”

§ 520c. Recruiting functions: provision of meals and refreshments

Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense for recruitment of military personnel may be expended for small meals and refreshments during recruiting functions for the following persons:

(1) Persons who have enlisted under the Delayed Entry Program authorized by section 513 of this title.

(2) Persons who are objects of armed forces recruiting efforts.

(3) Persons whose assistance in recruiting efforts of the military departments is determined to be influential by the Secretary concerned.

(4) Members of the armed forces and Federal employees when attending recruiting functions in accordance with a requirement to do so.

(5) Other persons whose presence at recruiting functions will contribute to recruiting efforts.

(Added Pub. L. 104-201, div. A, title III, § 361(a), Sept. 23, 1996, 110 Stat. 2491; amended Pub. L. 107-107, div. A, title V, § 545, Dec. 28, 2001, 115 Stat. 1113; Pub. L. 108-136, div. A, title X, § 1031(a)(8)(A), Nov. 24, 2003, 117 Stat. 1596.)

AMENDMENTS

2003—Pub. L. 108-136 substituted “provision of meals and refreshments” for “use of funds” in section catchline, struck out “(a) PROVISION OF MEALS AND REFRESHMENTS.—” before “Under regulations”, and struck out heading and text of subsec. (b). Text read as follows: “Not later than February 1 of each of the years 1998 through 2002, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.”

2001—Subsec. (a)(4). Pub. L. 107-107, § 545(b)(1), substituted “recruiting functions” for “recruiting events”.

Subsec. (a)(5). Pub. L. 107-107, § 545(b)(2), substituted “presence at recruiting functions” for “presence at recruiting efforts”.

Subsec. (c). Pub. L. 107-107, § 545(a), struck out heading and text of subsec. (c). Text read as follows: “The authority in subsection (a) may not be exercised after September 30, 2001.”

CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

Sec. 521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories.

[522. Repealed.]

523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.