

gress 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of his not having a high school diploma when his enlistment is needed to meet established strength requirements, was repealed and re-stated in sections 520(b) and 3262 of this title by Pub.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 Repealed.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 Serv-

ices, 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.
- [524. Renumbered.]
- 525. Distribution of commissioned officers on active duty in general officer and flag officer grades.
- 526. Authorized strength: general and flag officers on active duty.

- Sec. 526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty.
- 527. Authority to suspend sections 523, 525, and 526.
- 528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title V, § 501(h)(3), Dec. 23, 2016, 130 Stat. 2102, added item 526a.

2011—Pub. L. 112-81, div. A, title V, § 502(d)(2)(B), 125 Stat. 1388, added item 528 and struck out former item 528 “Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances.”

2006—Pub. L. 109-364, div. A, title V, § 501(b)(2), Oct. 17, 2006, 120 Stat. 2176, substituted “Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances” for “Exclusion: officers serving in certain intelligence positions” in item 528.

Pub. L. 109-163, div. A, title V, § 507(b), Jan. 6, 2006, 119 Stat. 3228, substituted “Exclusion: officers serving in certain intelligence positions” for “Exclusion: Associate Director of Central Intelligence for Military Support” in item 528.

2004—Pub. L. 108-375, div. A, title V, § 501(b)(2), Oct. 28, 2004, 118 Stat. 1873, struck out item 522 “Authorized total strengths: regular commissioned officers on active duty”.

2003—Pub. L. 108-136, div. A, title V, § 507(b), Nov. 24, 2003, 117 Stat. 1458, added item 528.

2001—Pub. L. 107-107, div. A, title V, § 501(b), Dec. 28, 2001, 115 Stat. 1079, struck out item 528 “Limitation on number of officers on active duty in grades of general and admiral”.

1994—Pub. L. 103-337, div. A, title IV, § 405(b)(2), title XVI, § 1671(b)(4), Oct. 5, 1994, 108 Stat. 2745, 3013, struck out item 524 “Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain”, struck out “524,” after “523,” in item 527, and added item 528.

1988—Pub. L. 100-370, § 1(b)(3), July 19, 1988, 102 Stat. 840, struck out former item 526 “Authority to suspend sections 523, 524, and 525”, and added items 526 and 527.

1984—Pub. L. 98-525, title IV, § 414(a)(4)(B)(ii), inserted references to the National Guard and to full-time National Guard duty in item 524.

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

(a) Whenever the needs of the services require, but at least once each fiscal year, the Secretary of Defense shall prescribe the total authorized active-duty strength as of the end of the fiscal year for officers in grades above chief warrant officer, W-5, for each of the armed forces under the jurisdiction of the Secretary of a military department.

(b) Under regulations prescribed by the Secretary of Defense, the Secretary of each military department may, for an armed force under his jurisdiction, prescribe the strength of any category of officers that may serve on active duty.

(Added Pub. L. 96-513, title I, § 103, Dec. 12, 1980, 94 Stat. 2841; amended Pub. L. 102-190, div. A, title XI, § 1131(1)(A), Dec. 5, 1991, 105 Stat. 1505.)