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#### Amendments

2011—Pub. L. 111-383, div. A, title X, §1075(b)(1), Jan. 7, 2011, 124 Stat. 4368, substituted "1030" for "1031" in item for chapter 53.

2009—Pub. L. 111-84, div. A, title X, \$1073(a)(7), Oct. 28, 2009, 123 Stat. 2472, substituted "1580" for "1581" in item for chapter 81.

2006—Pub. L. 109-366, §3(a)(2), Oct. 17, 2006, 120 Stat. 2630, added item for chapter 47A.

2001—Pub. L. 107-107, div. A, title X, §1048(a)(1), Dec. 28, 2001, 115 Stat. 1222, struck out period after "1111" in item for chapter 56.

2000—Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-184, added item for chapter 56.

1999—Pub. L. 106-65, div. A, title V, §586(c)(1), title VII, §721(c)(2), Oct. 5, 1999, 113 Stat. 638, 694, added item for chapter 50 and substituted "Deceased Personnel" for "Death Benefits" and "1471" for "1475" in item for chapter 75.

1997—Pub. L. 105–85, div. A, title V, §591(a)(2), Nov. 18, 1997, 111 Stat. 1762, added item for chapter 80.

1996—Pub. L. 104-201, div. A, title XVI, §1633(c)(3), Sept. 23, 1996, 110 Stat. 2751, substituted "Civilian Defense Intelligence Employees" for "Defense Intelligence Agency and Central Imagery Office Civilian Personnel' in item for chapter 83. Pub. L. 104–106, div. A, title V, §§ 568(a)(2), 569(b)(2),

title X, §1061(a)(2), Feb. 10, 1996, 110 Stat. 335, 351, 442, added items for chapters 76 and 88 and struck out item for chapter 89 "Volunteers Investing in Peace and Security

1994—Pub. L. 103-359, title V, §501(b)(2), Oct. 14, 1994, 108 Stat. 3429, substituted "Defense Intelligence Agency and Central Imagery Office Civilian Personnel' for "Defense Intelligence Agency Civilian Personnel" in item for chapter 83.

1992—Pub. L. 102-484, div. A, title XIII, §1322(a)(2), Oct. 23, 1992, 106 Stat. 2553, added item for chapter 89.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(26)(C)(ii), Dec. 5, 1991, 105 Stat. 1474, effective Oct. 1, 1993, struck out item for chapter 85 "Procurement Management Personnel?

Pub. L. 102-190, div. A, title XI, §1112(b)(2), Dec. 5, 1991, 105 Stat. 1501, substituted "Original Appointments

of Regular Officers in Grades Above Warrant Officer Grades" for "Appointments in Regular Components" in

item for chapter 33 and added item for chapter 33A. Pub. L. 102-25, title VII, §701(e)(1), Apr. 6, 1991, 105 Stat. 114, added item for chapter 85. 1990—Pub. L. 101-510, div. A, title V, §502(a)(2), title XII, §1202(b), Nov. 5, 1990, 104 Stat. 1557, 1656, added items for chapters 58 and 87 and struck out item for

chapter 85 "Procurement Management Personnel" 1988—Pub. L. 100-370, §1(c)(3), July 19, 1988, 102 Stat.

841, added item for chapter 54. 1986—Pub. L. 99–433, title IV, §401(b), Oct. 1, 1986, 100

Stat. 1030, added item for chapter 38. 1985—Pub. L. 99–145, title IX, §924(a)(2), Nov. 8, 1985, 99

Stat. 698, added item for chapter 85. 1983—Pub. L. 98-94, title IX, §925(a)(2), title XII, §1268(15), Sept. 24, 1983, 97 Stat. 648, 707, added item for chapter 74, and substituted "or" for "and" in item for chapter 60.

1981—Pub. L. 97-89, title VII, §701(a)(2), Dec. 4, 1981, 95

Stat. 1160, added item for chapter 83. 1980—Pub. L. 96-513, title V, §§ 501(1), 511(29), (54)(B), Dec. 12, 1980, 94 Stat. 2907, 2922, 2925, added item for chapter 32, substituted "531" for "541" as section number in item for chapter 33, substituted "34" for "35" as chapter number of chapter relating to appointments as reserve officers, added items for chapters 35 and 36, substituted "Reserve Components: Standards and Procedures for Retention and Promotion" for "Retention of Reserves" in item for chapter 51, added item for chap-ter 60, substituted "1251" for "1255" as section number in item for chapter 63, substituted "Retirement of War-rant Officers" for "Retirement" in item for chapter 65, substituted "1370" for "1371" as section number in item for chapter 69, and amended item for chapter 73 to read: "Annuities Based on Retired or Retainer Pay"

1972—Pub. L. 92-425, §2, Sept. 21, 1972, 86 Stat. 711, amended item for chapter 73 by inserting "; Survivor Benefit Plan" after "Pay" which could not be executed as directed in view of amendment by Pub. L. 87-381. See 1961 Amendment note below.

1968—Pub. L. 90-377, §2, July 5, 1968, 82 Stat. 288, added item for chapter 48.

1967—Pub. L. 90-83, §3(2), Sept. 11, 1967, 81 Stat. 220, struck out item for chapter 80 "Exemplary Rehabilitation Certificates".

1966—Pub. L. 89-690, §2, Oct. 15, 1966, 80 Stat. 1017, added item for chapter 80. 1962—Pub. L. 87-649, §3(2), Sept. 7, 1962, 76 Stat. 493,

1962—Pub. L. 87–649, §3(2), Sept. 7, 1962, 76 Stat. 493, added item for chapter 40. 1961—Pub. L. 87–381, §1(2), Oct. 4, 1961, 75 Stat. 810,

1961—Pub. L. 87-381, §1(2), Oct. 4, 1961, 75 Stat. 810, substituted "Retired Servicemen's Family Protection Plan" for "Annuities Based on Retired or Retainer Pay" in item for chapter 73.

1958—Pub. L. 85-861, §§ 1(21), (26), (33), 33(a)(4)(B), Sept. 2, 1958, 72 Stat. 1443, 1450, 1455, 1564, substituted "General Service Requirements" for "Service Requirements for Reserves" in item for chapter 37, "971" for "[No present sections]" in item for chapter 49, "Medical and Dental Care" for "Voting by Members of Armed Forces" in item for chapter 55, and struck out "Care of the Dead" and substituted "1475" for "1481" in item for chapter 75.

## MEASURING AND INCENTIVIZING PROGRAMMING PROFICIENCY

Pub. L. 116–283, div. A, title II, 241(a), (b), Jan. 1, 2021, 134 Stat. 3486, 3487, provided that: "(a) IN GENERAL.—Not later than two years after the

"(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall carry out the following activities:

ties: "(1) Leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense that—

"(A) measure an individual's competency in using machine learning tools, in a manner similar to the way the Defense Language Proficiency Test measures competency in foreign language skills;

"(B) enable the identification of members of the Armed Forces and civilian employees of the Department of Defense who have varying levels of quantified coding comprehension and skills and a propensity to learn new programming paradigms, algorithms, and data analytics; and "(C) include hands-on coding demonstrations and

"(C) include hands-on coding demonstrations and challenges.

"(2) Update existing recordkeeping systems to track artificial intelligence and programming certification testing results in a manner that is comparable to the system used for tracking and documenting foreign language competency, and use that recordkeeping system to ensure that workforce coding and artificial intelligence comprehension and skills are taken into consideration when making assignments.

"(3) Implement a system of rewards, including appropriate incentive pay and retention incentives, for members of the Armed Forces and civilian employees of the Department of Defense who perform successfully on specific language coding proficiency and artificial intelligence competency tests and make their skills available to the Department. "(b) INFORMATION SHARING WITH OTHER FEDERAL

"(b) INFORMATION SHARING WITH OTHER FEDERAL AGENCIES.—The Secretary of Defense shall share information on the activities carried out under subsection (a) with the Secretary of Homeland Security, the Attorney General, the Director of National Intelligence, and the heads of such other organizations of the intelligence community as the Secretary determines appropriate, for purposes of—

"(1) making information about the coding language proficiency and artificial intelligence competency tests developed under such subsection available to other Federal national security agencies; and

"(2) encouraging the heads of such agencies to implement tracking and reward systems that are comparable to those implemented by the Department of Defense pursuant to such subsection."

### EVALUATION OF BARRIERS TO MINORITY PARTICIPATION IN CERTAIN UNITS OF THE ARMED FORCES

Pub. L. 116-283, div. A, title V, 557, Jan. 1, 2021, 134 Stat. 3637, provided that:

"(a) STUDY REQUIRED.—

"(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [Jan. 1, 2021], the Under Secretary of Defense for Personnel and Readiness shall seek to enter into an agreement with a federally funded research and development center with relevant expertise to conduct an evaluation of the barriers to minority participation in covered units of the Armed Forces.

"(2) ELEMENTS.—The evaluation required under paragraph (1) shall include the following elements: "(A) A description of the racial, ethnic, and gen-

der composition of covered units.

"(B) A comparison of the participation rates of minority populations in covered units to participation rates of the general population as members and as officers of the Armed Forces.

"(C) A comparison of the percentage of minority officers in the grade of O-7 or higher who have served in each covered unit to such percentage for all such officers in the Armed Force of that covered unit.

"(D) An identification of barriers to minority (including English language learners) participation in the recruitment, accession, assessment, and training processes.

"(È) The status and effectiveness of the response to the recommendations contained in the report of the RAND Corporation titled 'Barriers to Minority Participation in Special Operations Forces' and any follow-up recommendations.

"(F) Recommendations to increase the numbers of minority officers in the Armed Forces.

"(G) Recommendations to increase minority participation in covered units.

"(H) Any other matters the Secretary determines appropriate.

"(3) REPORT TO CONGRESS.—The Secretary shall—

"(A) submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the results of the study by not later than January 1, 2022; and

"(B) provide interim briefings to such committees upon request.

"(b) DESIGNATION.—The study conducted under subsection (a) shall be known as the 'Study on Reducing Barriers to Minority Participation in Elite Units in the Armed Services'.

(c) IMPLEMENTATION REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than March 1, 2023, the Secretary of Defense shall commence the implementation of each recommendation included in the final report submitted under subsection (a)(3).

(2) EXCEPTIONS.—

(A) DELAYED IMPLEMENTATION.—The Secretary of Defense may commence implementation of a recommendation described [in] paragraph (1) later than March 1, 2023, if—

"(i) the Secretary submits to the congressional defense committees, not later than January 1, 2023, written notice of the intent of the Secretary to delay implementation of the recommendation; and

"(ii) includes, as part of such notice, a specific justification for the delay in implementing the recommendation.

"(B) NONIMPLEMENTATION.—The Secretary of Defense may elect not to implement a recommendation described in paragraph (1), if—

"(i) the Secretary submits to the congressional defense committees, not later than January 1, 2023, written notice of the intent of the Secretary not to implement the recommendation; and

'(ii) includes, as part of such notice-

``(I) the reasons for the Secretary's decision not to implement the recommendation; and

"(II) a summary of alternative actions the Secretary will carry out to address the purposes underlying the recommendation.

"(3) IMPLEMENTATION PLAN.—For each recommendation that the Secretary implements under this subsection, the Secretary shall submit to the congressional defense committees an implementation plan that includes-

(A) a summary of actions the Secretary has carried out, or intends to carry out, to implement the recommendation; and

"(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

"(d) COVERED UNITS DEFINED .- In this section, the term 'covered units' means the following:

"(1) Army Special Forces.

"(2) Army Rangers.

"(3) Navy SEALs.

"(4) Air Force Combat Control Teams.

"(5) Air Force Pararescue.

"(6) Air Force Special Reconnaissance.

"(7) Marine Raider Regiments.

"(8) Marine Corps Force Reconnaissance. "(9) Coast Guard Maritime Security Response

Team. "(10) Any other forces designated by the Secretary

"(11) Pilot and navigator military occupational specialties."

POLICY ON THE TALENT MANAGEMENT OF DIGITAL EXPERTISE AND SOFTWARE PROFESSIONALS

Pub. L. 116-92, div. A, title II, §230, Dec. 20, 2019, 133 Stat. 1273, provided that:

'(a) POLICY.

"(1) IN GENERAL.—It shall be a policy of the Department of Defense to promote and maintain digital expertise and software development as core competencies of civilian and military workforces of the Department, and as a capability to support the National Defense Strategy, which policy shall be achieved by-

''(A) the recruitment, development, and incentivization of retention in and to the civilian and military workforce of the Department of individuals with aptitude, experience, proficient expertise, or a combination thereof in digital expertise and software development;

"(B) at the discretion of the Secretaries of the military departments, the development and maintenance of civilian and military career tracks related to digital expertise, and related digital competencies for members of the Armed Forces, including the development and maintenance of training, education, talent management, incentives, and promotion policies in support of members at all levels of such career tracks; and

(C) the development and application of appropriate readiness standards and metrics to measure and report on the overall capability, capacity, utilization, and readiness of digital engineering professionals to develop and deliver operational capabilities and employ modern business practices.

(2) DIGITAL ENGINEERING DEFINED.—For purposes of this section, the term 'digital engineering' means the discipline and set of skills involved in the creation, processing, transmission, integration, and storage of digital data, including data science, machine learning, software engineering, software product management, and artificial intelligence product management.

(b) IMPLEMENTATION PLAN.—Not later than May 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan that describes how the Department of Defense will execute the policy described in subsection (a).

'(c) RESPONSIBILITY.-

((1) APPOINTMENT OF OFFICER.—Not later than 270 days after the date of enactment of this Act [Dec. 20, 2019], the Secretary of Defense may appoint a civilian official responsible for the development and implementation of the policy and implementation plan set forth in subsections (a) and (b), respectively. The official shall be known as the 'Chief Digital Engineering Recruitment and Management Officer of the Department of Defense'.

(2) EXPIRATION OF APPOINTMENT.—The appointment of the Officer under paragraph (1) shall expire on September 30, 2024.

ENHANCED PROTECTIONS FOR PROSPECTIVE MEMBERS AND NEW MEMBERS OF THE ARMED FORCES DURING ENTRY-LEVEL PROCESSING AND TRAINING

Pub. L. 113-66, div. A, title XVII, §1741, Dec. 26, 2013, 127 Stat. 977, as amended by Pub. L. 113-291, div. A, title V, §531(e), Dec. 19, 2014, 128 Stat. 3364, provided that:

(a) DEFINING INAPPROPRIATE AND PROHIBITED RELA-TIONSHIPS, COMMUNICATION, CONDUCT, AND CONTACT BE-TWEEN CERTAIN MEMBERS.-

"(1) POLICY REQUIRED.—The Secretary of a military department and the Secretary of the Department in which the Coast Guard is operating shall maintain a policy that defines and prescribes, for the persons described in paragraph (2), what constitutes an inappropriate and prohibited relationship, communication, conduct, or contact, including when such an action is consensual, between a member of the Armed Forces described in paragraph (2)(A) and a prospective member or member of the Armed Forces described in paragraph (2)(B).

(2) COVERED MEMBERS.—The policy required by paragraph (1) shall apply to-

(A) a member of the Armed Forces who exercises authority or control over, or supervises, a person described in subparagraph (B) during the entrylevel processing or training of the person; and

'(B) a prospective member of the Armed Forces or a member of the Armed Forces undergoing entry-level processing or training.

"(3) INCLUSION OF CERTAIN MEMBERS REQUIRED.-The members of the Armed Forces covered by paragraph (2)(A) shall include, at a minimum, military personnel assigned or attached to duty-

'(A) for the purpose of recruiting or assessing persons for enlistment or appointment as a commissioned officer, warrant officer, or enlisted member of the Armed Forces:

"(B) at a Military Entrance Processing Station;  $\mathbf{or}$ 

"(C) at an entry-level training facility or school of an Armed Force.

"(b) EFFECT OF VIOLATIONS.—A member of the Armed Forces who violates the policy required by subsection (a) shall be subject to prosecution under the Uniform Code of Military Justice.

(c) PROCESSING FOR ADMINISTRATIVE SEPARATION.-

(1) IN GENERAL.-(A) The Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating shall require the processing for administrative separation of any member of the 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 author-

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ity 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

Sec. 501. I

- 501. Definition.502. Enlistment oath: who may administer.
- 503. Enlistments: recruiting campaigns; compila-

tion of directory information.

- 504. Persons not qualified.
- 505. Regular components: qualifications, term, grade.
- 506. Regular components: extension of enlistments during war.
- 507. Extension of enlistment for members needing medical care or hospitalization.
   508. Reenlistment: qualifications.
- 508. Reenlistment: qualifications.
  509. Voluntary extension of enlistments: periods and benefits
- 510. Enlistment incentives for pursuit of skills to facilitate national service.

- College First Program.
- [512. Renumbered.]
- 513. Enlistments: Delayed Entry Program.
- 514. Bounties prohibited; substitutes prohibited.
- 515. Reenlistment after discharge as warrant officer.
  - Effect upon enlisted status of acceptance of appointment as cadet or midshipman.
    - Authorized enlisted end strength: members in pay grades E-8 and E-9.
- 518. Temporary enlistments.
- 519. Temporary enlistments: during war or emergency.
- 520. Limitation on enlistment and induction of persons whose score on the Armed Forces Qualification Test is below a prescribed level.
- [520a. Repealed.]
- 520b. Applicants for enlistment: authority to use funds for the issue of authorized articles.
- 520c. Recruiting functions: provision of meals and refreshments.

#### Amendments

2021—Pub. L. 116–283, div. A, title IV, 403(b), Jan. 1, 2021, 134 Stat. 3556, added item 517 and struck out former item 517 "Authorized daily average: members in pay grades E-8 and E-9".

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,  $\S2(a)(1)(C)$ , 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,  $\S2(2),$  Sept. 7, 1962, 76 Stat. 492, added item 517.

1958—Pub. L. 85-861, (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.)