

(A) A description of the purpose and scope of the exercise.

(B) An identification of the principal personnel participating in the exercise.

(C) A statement of the principal findings resulting from the exercise that specifically relate to the nuclear command, control, and communications or senior leader decision-making process and a description of any deficiencies in that process identified a result of the exercise.

(D) Whether the President was briefed on the exercise and the principal findings resulting from the exercise.

(2) Not later than 60 days after the completion of an annual strategic deterrence exercise described in subsection (a), the Secretary shall submit to the congressional defense committees—

(A) an unedited copy of the report of the Commander submitted under paragraph (1); and

(B) any additional recommendations or other matters the Secretary considers appropriate.

(Added Pub. L. 117-81, div. A, title XVI, §1631, Dec. 27, 2021, 135 Stat. 2089.)

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**Editorial Notes**

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 chapter 60, substituted “1251” for “1255” as section number in item for chapter 63, substituted “Retirement of Warrant 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, added item for chapter 40.

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.

#### Statutory Notes and Related Subsidiaries

STRATEGY AND ANNUAL REPORT ON CRITICAL LANGUAGE PROFICIENCY OF SPECIAL OPERATIONS FORCES

Pub. L. 117-81, div. A, title III, §364, Dec. 27, 2021, 135 Stat. 1662, provided that:

“(a) STRATEGY.—

“(1) STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 27, 2021], the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a strategy to improve the language pro-

iciency of the special operations forces of the Armed Forces, including by identifying individuals who have proficiency in a critical language and recruiting and retaining such individuals in the special operations forces.

“(2) ELEMENTS.—The strategy under paragraph (1) shall include the following:

“(A) A baseline of foreign language proficiency requirements to be implemented within the special operations forces, disaggregated by Armed Force and by critical language.

“(B) Annual recruitment targets for the number of candidates with demonstrated proficiency in a critical language to be selected for participation in the initial assessment and qualification programs of the special operations forces.

“(C) A description of current and planned efforts of the Secretaries concerned and the Assistant Secretary to meet such annual recruitment targets.

“(D) A description of any training programs used to enhance or maintain foreign language proficiency within the special operations forces, including any nongovernmental programs used.

“(E) An annual plan to enhance and maintain foreign language proficiency within the special operations forces of each Armed Force.

“(F) An annual plan to retain members of the special operation forces of each Armed Force who have proficiency in a foreign language.

“(G) A description of current and projected capabilities and activities that the Assistant Secretary determines are necessary to maintain proficiency in critical languages within the special operations forces.

“(H) A plan to implement a training program for members of the special operations forces who serve in positions that the Assistant Secretary determines require proficiency in a critical language to support the Department of Defense in strategic competition.

“(b) REPORTS REQUIRED.—Not later than December 31, 2022, and annually thereafter until December 31, 2025, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees a report on the strategy required under subsection (a), including progress in achieving the objectives of the strategy with respect to the recruitment, training, and retention of members of the special operations forces who have proficiency in a critical language.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘critical language’ means a language identified by the Director of the National Security Education Program as critical to national security.

“(2) The terms ‘military departments’ and ‘Secretary concerned’ have the meanings given such terms in section 101 of title 10, United States Code.

“(3) The term ‘proficiency’ means proficiency in a language, as assessed by the Defense Language Proficiency Test.

“(4) The term ‘special operations forces’ means forces described under section 167(j) of title 10, United States Code.”

IMPROVEMENTS TO MILITARY ACCESSIONS IN ARMED FORCES UNDER THE JURISDICTION OF THE SECRETARIES OF THE MILITARY DEPARTMENTS

Pub. L. 117-81, div. A, title V, §522, Dec. 27, 2021, 135 Stat. 1686, provided that:

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall take the following steps regarding military accessions in each Armed Force under the jurisdiction of the Secretary of a military department:

“(1) Assess the prescribed medical standards for appointment as an officer, or enlistment as a member, in such Armed Force.

“(2) Determine how to update the medical screening processes for appointment or enlistment.

“(3) Determine how to standardize operations across the military entrance processing stations.

“(4) Determine how to improve aptitude testing methods and standardized testing requirements.

“(5) Determine how to improve the waiver process for individuals who do not meet medical standards for accession.

“(6) Determine, by reviewing data from calendar years 2017 through 2021, whether military accessions (including such accessions pursuant to waivers) vary, by geographic region.

“(7) Determine, by reviewing data from calendar years 2017 through 2021, whether access to military health records has suppressed the number of such military accessions, authorized Secretaries of the military departments, by—

“(A) children of members of such Armed Forces;

“(B) retired members of such Armed Forces; or

“(C) recently separated members of such Armed Forces.

“(8) Implement improvements determined under paragraphs (1) through (7).

“(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall brief the Committees on Armed Services of the Senate and House of Representatives on the results of carrying out this section and recommendations regarding legislation the Secretary determines necessary to improve such military accessions.”

#### PRIMARY PREVENTION WORKFORCE

Pub. L. 117–81, div. A, title V, § 549B, Dec. 27, 2021, 135 Stat. 1722, provided that:

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Primary Prevention Workforce to provide a comprehensive and integrated program across the Department of Defense enterprise for the primary prevention of interpersonal and self-directed violence, including sexual assault, sexual harassment, domestic violence, child abuse and maltreatment, problematic juvenile sexual behavior, suicide, workplace violence, and substance misuse.

“(b) PRIMARY PREVENTION WORKFORCE MODEL.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth a holistic model for a dedicated and capable Primary Prevention Workforce in the Department of Defense.

“(2) ELEMENTS.—The model required under paragraph (1) shall include the following elements:

“(A) A description of Primary Prevention Workforce roles, responsibilities, and capabilities, including—

“(i) the conduct of research and analysis;

“(ii) advising all levels of military commanders and leaders;

“(iii) designing and writing strategic and operational primary prevention policies and programs;

“(iv) integrating and analyzing data; and

“(v) implementing, evaluating, and adapting primary prevention programs and activities, to include developing evidence-based training and education programs for Department personnel that is appropriately tailored by rank, occupation, and environment.

“(B) The design and structure of the Primary Prevention Workforce, including—

“(i) consideration of military, civilian, and hybrid manpower options;

“(ii) the comprehensive integration of the workforce from strategic to tactical levels of the Department of Defense and its components; and

“(iii) mechanisms for individuals in workforce roles to report to and align with installation-level and headquarters personnel.

“(C) Strategies, plans, and systematic approaches for recruiting, credentialing, promoting, and sus-

taining the diversity of work force roles comprising a professional workforce dedicated to primary prevention.

“(D) The creation of a professional, primary prevention credential that standardizes a common base of education and experience across the prevention workforce, coupled with knowledge development and skill building requirements built into the career cycle of prevention practitioners such that competencies and expertise increase over time.

“(E) Any other matter the Secretary of Defense determines necessary and appropriate to presenting an accurate and complete model of the Primary Prevention Workforce.

“(c) REPORTS.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 27, 2021], the Secretaries of the military departments and the Chief of the National Guard Bureau each shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report detailing how the military services and the National Guard, as applicable, will adapt and implement the primary prevention workforce model set forth in the report required under subsection (b).

“(2) ELEMENTS.—Each report submitted under subsection (a) shall include a description of—

“(A) expected milestones to implement the prevention workforce in the component at issue;

“(B) challenges associated with implementation of the workforce and the strategies for addressing such challenges; and

“(C) additional authorities that may be required to optimize implementation and operation of the workforce.

“(d) OPERATING CAPABILITY DEADLINE.—The Primary Prevention Workforce authorized under this section shall attain initial operating capability in each military department and military service and in the National Guard by not later than the effective date specified in section 539C [10 U.S.C. 801 note].”

#### CADRE OF SOFTWARE DEVELOPMENT AND ACQUISITION EXPERTS

Pub. L. 117–81, div. A, title VIII, § 836, Dec. 27, 2021, 135 Stat. 1837, provided that:

“(a) IN GENERAL.—Not later than January 1, 2023, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a cadre of personnel who are experts in software development, acquisition, and sustainment to improve the effectiveness of software development, acquisition, and sustainment programs or activities of the Department of Defense.

“(b) STRUCTURE.—The Under Secretary of Defense for Acquisition and Sustainment—

“(1) shall ensure the cadre has the appropriate number of members;

“(2) shall establish an appropriate leadership structure and office within which the cadre shall be managed; and

“(3) shall determine the appropriate officials to whom members of the cadre shall report.

“(c) ASSIGNMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall establish processes to assign members of the cadre to provide—

“(1) expertise on matters relating to software development, acquisition, and sustainment; and

“(2) support for appropriate programs or activities of the Department of Defense.

“(d) ADMINISTRATION.—

“(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the President of the Defense Acquisition University and in consultation with academia and industry, shall develop a career path, including development opportunities, exchanges, talent management programs, and training, for the cadre. The Under Secretary may use existing personnel and acquisition au-

thorities to establish the cadre, as appropriate, including—

- “(A) section 9903 of title 5, United States Code;
- “(B) authorities relating to services contracting;
- “(C) the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.); and
- “(D) authorities relating to exchange programs with industry.

“(2) ASSIGNMENTS.—Civilian personnel from within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands may be assigned to serve as members of the cadre.

“(3) PREFERENCE.—In establishing the cadre, the Under Secretary shall give preference to civilian employees of the Department of Defense.

“(e) SUPPORT OF MEMBERS OF THE ARMED FORCES.—The Under Secretary of Defense for Acquisition and Sustainment shall continue to support efforts of the Secretaries concerned to place members of the Armed Forces in software development, acquisition, and sustainment positions and develop software competence in members of the Armed Forces, including those members with significant technical skill sets and experience but who lack formal education, training, or a technology-focused military occupation specialty.

“(f) FUNDING.—The Under Secretary of Defense for Acquisition and Sustainment is authorized to use amounts in the Defense Acquisition Workforce Development Account (established under section 1705 of title 10, United States Code) for the purpose of recruitment, training, and retention of members of the cadre, including by using such amounts to pay salaries of newly hired members of the cadre for up to three years.

“(g) COMPLIANCE.—In carrying out this section, the Under Secretary of Defense for Acquisition and Sustainment shall ensure compliance with applicable total force management policies, requirements, and restrictions provided in sections 129a, 2329 [now 10 U.S.C. 4506], and 2461 of title 10, United States Code.”

#### DIGITAL TALENT RECRUITING OFFICER

Pub. L. 117–81, div. A, title IX, §909, Dec. 27, 2021, 135 Stat. 1876, provided that:

“(a) DIGITAL TALENT RECRUITING FOR THE DEPARTMENT OF DEFENSE.—

“(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall designate a chief digital recruiting officer within the office of the Under Secretary of Defense for Personnel and Readiness to carry out the responsibilities set forth in paragraph (2).

“(2) RESPONSIBILITIES.—The chief digital recruiting officer shall be responsible for—

“(A) identifying Department of Defense needs for, and skills gaps in, specific types of civilian digital talent;

“(B) recruiting individuals with the skills that meet the needs and skills gaps identified under subparagraph (A), in partnership with the military departments and other organizations and elements of the Department;

“(C) ensuring Federal scholarship for service programs are incorporated into civilian recruiting strategies;

“(D) when appropriate and within authority granted under other Federal law, offering recruitment and referral bonuses; and

“(E) partnering with human resource teams in the military departments and other organizations and elements of the Department to help train all Department of Defense human resources staff on the available hiring flexibilities to accelerate the hiring of individuals with the skills that fill the needs and skills gaps identified under subparagraph (A).

“(3) RESOURCES.—The Secretary of Defense shall ensure that the chief digital recruiting officer is provided with personnel and resources sufficient to carry out the duties set forth in paragraph (2).

“(4) ROLE OF CHIEF HUMAN CAPITAL OFFICER.—

“(A) IN GENERAL.—The chief digital recruiting officer shall report directly to the Chief Human Capital Officer of the Department of Defense.

“(B) INCORPORATION.—The Chief Human Capital Officer shall ensure that the chief digital recruiting officer is incorporated into the agency human capital operating plan and recruitment strategy. In carrying out this paragraph, the Chief Human Capital Officer shall ensure that the chief digital recruiting officer’s responsibilities are deconflicted with any other recruitment initiatives and programs.

“(b) DIGITAL TALENT DEFINED.—For the purposes of this section, the term ‘digital talent’ includes positions and capabilities in, or related to, software development, engineering, and product management; data science; artificial intelligence; distributed ledger technologies; autonomy; data management; product and user experience design; and cybersecurity.

“(c) ANNUAL BRIEFING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and on an annual basis thereafter, the chief digital recruiting officer shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on—

“(1) the efforts of the Department of Defense to recruit digital talent to positions in the Department; and

“(2) a summary of any accomplishments and challenges with respect to such recruiting.

“(d) SUNSET.—The requirements under subsection (a) shall expire on September 30, 2025.”

#### 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 date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall carry out the following activities:

“(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 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 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 gender 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.

“(E) 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 of Defense as special operations forces.

“(11) Pilot and navigator military occupational specialties.”

PERSONAL PROTECTIVE EQUIPMENT MATTERS

Pub. L. 116-283, div. A, title X, §1091, Jan. 1, 2021, 134 Stat. 3882, provided that:

“(a) BRIEFINGS ON FIELDING OF NEWEST GENERATIONS OF PPE TO THE ARMED FORCES.—

“(1) BRIEFINGS REQUIRED.—Not later than January 31, 2021, each Secretary of a military department shall submit to Congress a briefing on the fielding of the newest generations of personal protective equipment to the Armed Forces under the jurisdiction of such Secretary.

“(2) ELEMENTS.—Each briefing under paragraph (1) shall include, for each Armed Force covered by such briefing, the following:

“(A) A description and assessment of the fielding of newest generations of personal protective equipment to members of such Armed Force, including the following:

“(i) The number (aggregated by total number and by sex) of members of such Armed Force issued the Army Soldiers Protective System and the Modular Scalable Vest Generation II body armor as of December 31, 2020.

“(ii) The number (aggregated by total number and by sex) of members of such Armed Force issued Marine Corps Plate Carrier Generation III body armor as of that date.

“(iii) The number (aggregated by total number and by sex) of members of such Armed Force fitted with legacy personal protective equipment as of that date.

“(B) A description and assessment of the barriers, if any, to the fielding of such generations of equipment to such members.

“(C) A description and assessment of challenges in the fielding of such generations of equipment to

such members, including cost overruns, contractor delays, and other challenges.

“(b) SYSTEM FOR TRACKING DATA ON INJURIES AMONG MEMBERS OF THE ARMED FORCES IN USE OF NEWEST GENERATION PPE.—

“(1) SYSTEM REQUIRED.—

“(A) IN GENERAL.—The Secretary of Defense shall develop and maintain a system for tracking data on injuries among members of the Armed Forces in and during the use of newest generation personal protective equipment.

“(B) SCOPE OF SYSTEM.—The system required by this paragraph may, at the election of the Secretary, be new for purposes of this subsection or within or a modification of an appropriate existing system.

“(2) BRIEFING.—Not later than January 31, 2025, the Secretary shall submit to Congress a briefing on the prevalence among members of the Armed Forces of preventable injuries attributable to ill-fitting or malfunctioning personal protective equipment.

“(c) ASSESSMENTS OF MEMBERS OF THE ARMED FORCES OF INJURIES INCURRED IN CONNECTION WITH ILL-FITTING OR MALFUNCTIONING PPE.—

“(1) IN GENERAL.—Each health assessment specified in paragraph (2) that is undertaken after the date of the enactment of this Act [Jan. 1, 2021] shall include the following:

“(A) One or more questions on whether members incurred an injury in connection with ill-fitting or malfunctioning personal protective equipment during the period covered by such assessment, including the nature of such injury.

“(B) In the case of any member who has so incurred such an injury, one or more elements of self-evaluation of such injury by such member for purposes of facilitating timely documentation and enhanced monitoring of such members and injuries.

“(2) ASSESSMENTS.—The health assessments specified in this paragraph are the following:

“(A) The annual Periodic Health Assessment of members of the Armed Forces.

“(B) The post-deployment health assessment of members of the Armed Forces.”

#### 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.”

#### ACTIVITIES ON IDENTIFICATION AND DEVELOPMENT OF ENHANCED PERSONAL PROTECTIVE EQUIPMENT AGAINST BLAST INJURY

Pub. L. 115-232, div. A, title II, § 226, Aug. 13, 2018, 132 Stat. 1685, as amended by Pub. L. 116-283, div. A, title X, § 1081(d)(2), Jan. 1, 2021, 134 Stat. 3873, provided that:

“(a) ACTIVITIES REQUIRED.—During calendar year 2019, the Secretary of the Army shall, in consultation with the Director of Operational Test and Evaluation, carry out a set of activities to identify and develop personal equipment to provide enhanced protection against injuries caused by blasts in combat and training.

“(b) ACTIVITIES.—

“(1) CONTINUOUS EVALUATION PROCESS.—For purposes of the activities required by subsection (a), the Secretary shall establish a process to continuously solicit from government, industry, academia, and other appropriate entities personal protective equipment that is ready for testing and evaluation in order to identify and evaluate equipment or clothing that is more effective in protecting members of the Armed Forces from the harmful effects of blast injuries, including traumatic brain injuries, and would be suitable for expedited procurement and fielding.

“(2) GOALS.—The goals of the activities shall include:

“(A) Development of streamlined requirements for procurement of personal protective equipment.

“(B) Appropriate testing of personal protective equipment prior to procurement and fielding.

“(C) Development of expedited mechanisms for deployment of effective personal protective equipment.

“(D) Identification of areas of research in which increased investment has the potential to improve the quality of personal protective equipment and the capability of the industrial base to produce such equipment.

“(E) Such other goals as the Secretary considers appropriate.

“(3) PARTNERSHIPS FOR CERTAIN ASSESSMENTS.—As part of the activities, the Secretary should continue to establish partnerships with appropriate academic institutions for purposes of assessing the following:

“(A) The ability of various forms of personal protective equipment to protect against common blast injuries, including traumatic brain injuries.

“(B) The value of real-time data analytics to track the effectiveness of various forms of personal protective equipment to protect against common blast injuries, including traumatic brain injuries.

“(C) The availability of commercially available off-the-shelf items (as defined in section 104 of title

41, United States Code) that may serve as personal protective technology to protect against traumatic brain injury resulting from blasts.

“(D) The extent to which the equipment determined through the assessment to be most effective to protect against common blast injuries is readily modifiable for different body types and to provide lightweight material options to enhance maneuverability.

“(c) AUTHORITIES.—In carrying out activities under subsection (a), the Secretary may use any authority as follows:

“(1) Experimental procurement authority under section 2373 of title 10, United States Code [now 10 U.S.C. 4023].

“(2) Other transactions authority under section 2371 [now 10 U.S.C. 4021] and 2371b [now 10 U.S.C. 4022] of title 10, United States Code.

“(3) Authority to award technology prizes under section 2374a of title 10, United States Code [now 10 U.S.C. 4025].

“(4) Authority under the Defense Acquisition Challenge Program under section 2359b of title 10, United States Code [now 10 U.S.C. 4062].

“(5) Any other authority on acquisition, technology transfer, and personnel management that the Secretary considers appropriate.

“(d) CERTAIN TREATMENT OF ACTIVITIES.—Any activities under this section shall be deemed to have been through the use of competitive procedures for the purposes of section 2304 of title 10, United States Code [now 10 U.S.C. 3201 et seq.].

“(e) ON-GOING ASSESSMENT FOLLOWING ACTIVITIES.—After the completion of activities under subsection (a), the Secretary shall, on an on-going basis, do the following:

“(1) Evaluate the extent to which personal protective equipment identified through the activities would—

“(A) enhance survivability of personnel from blasts in combat and training; and

“(B) enhance prevention of brain damage, and reduction of any resultant chronic brain dysfunction, from blasts in combat and training.

“(2) In the case of personal protective equipment so identified that would provide enhancements as described in paragraph (1), estimate the costs that would be incurred to procure such enhanced personal protective equipment, and develop a schedule for the procurement of such equipment.

“(3) Estimate the potential health care cost savings that would occur from expanded use of personal protective equipment described in paragraph (2).

“(f) REPORT.—Not later than December 1, 2019, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the activities under subsection (a) as of the date of the report.

“(g) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2019 by this Act for research, development, test, and evaluation, as specified in the funding tables in division D [div. D of Pub. L. 115-232, 132 Stat. 2328], \$10,000,000 may be used to carry out this section.”

[Pub. L. 116-283, div. A, title X, §1081(d), Jan. 1, 2021, 134 Stat. 3873, provided that the amendment made by section 1081(d)(2) of Pub. L. 116-283 to section 226 of Pub. L. 115-232, set out above, is effective as of Aug. 13, 2018, and as if included in Pub. L. 115-232.]

#### 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 RELATIONSHIPS, COMMUNICATION, CONDUCT, AND CONTACT BETWEEN 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 entry-level 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; 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 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 deter-

mined 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. Definition.
- 502. Enlistment oath: who may administer.
- 503. Enlistments: recruiting campaigns; compilation of directory information.
- 504. Persons not qualified.
- 505. Regular components: qualifications, term, grade.
- 506. Regular components: extension of enlistments during war.
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- 514. Bounties prohibited; substitutes prohibited.
- 515. Reenlistment after discharge as warrant officer.
- 516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman.
- 517. 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.

- Sec. [520a. Repealed.]
- 520b. Applicants for enlistment: authority to use funds for the issue of authorized articles.
- 520c. Recruiting functions: provision of meals and refreshments.

**Editorial Notes**

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, §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.)

**Editorial Notes**

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