

couraged to participate in physical fitness activities before reporting to basic training.

“(2) Develop a range of incentives for new recruits to participate in physical fitness programs, as well as for those recruits who improve their level of fitness while in the Delayed Entry Program, which may include access to Department of Defense military fitness facilities, and access to military medical facilities in the case of a recruit who is injured while participating in physical activities with recruiters or other military personnel.

“(3) Evaluate whether partnerships between recruiters and reserve components, or other innovative arrangements, could provide a pool of qualified personnel to assist in the conduct of physical training programs for new recruits in the Delayed Entry Program.”

DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS OR FEDERAL MILITARY RECRUITING ON CAMPUS; EXCEPTIONS

Pub. L. 104-208, div. A, title I, §101(e) [title V, §514], Sept. 30, 1996, 110 Stat. 3009-233, 3009-270, which provided that none of the funds made available in any Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for any fiscal year could be provided by contract or by grant to a covered educational entity if the Secretary of Defense determined that the covered educational entity had a policy or practice that prohibited or prevented the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps at the covered educational entity, or a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education, or prohibited or prevented entry to campuses, or access to students on campuses, for purposes of Federal military recruiting or access by military recruiters for purposes of Federal military recruiting to student names, addresses, and telephone listings and, if known, student ages, levels of education, and majors, was repealed and restated in section 983 of this title by Pub. L. 106-65, div. A, title V, §549(a)(1), (b)(2), Oct. 5, 1999, 113 Stat. 609, 611.

MILITARY RECRUITING ON CAMPUS

Pub. L. 103-337, div. A, title V, §558, Oct. 5, 1994, 108 Stat. 2776, as amended by Pub. L. 104-324, title II, §206(a), Oct. 19, 1996, 110 Stat. 3908, which provided that no funds available to the Department of Defense or the Department of Transportation could be provided by grant or contract to any institution of higher education that had a policy of denying or preventing the Secretary of Defense or the Secretary of Transportation from obtaining for military recruiting purposes entry to campuses or access to students on campuses or access to directory information pertaining to students, was repealed and restated in section 983 of this title by Pub. L. 106-65, div. A, title V, §549(a)(1), (b)(1), Oct. 5, 1999, 113 Stat. 609, 611.

MILITARY RECRUITING INFORMATION

Pub. L. 97-252, title XI, §1114(a), Sept. 8, 1982, 96 Stat. 748, provided that: “The Congress finds that in order for Congress to carry out effectively its constitutional authority to raise and support armies, it is essential—

“(1) that the Secretary of Defense obtain and compile directory information pertaining to students enrolled in secondary schools throughout the United States; and

“(2) that such directory information be used only for military recruiting purposes and be retained in the case of each person with respect to whom such information is obtained and compiled for a limited period of time.”

ACCESS OF ARMED FORCES RECRUITING PERSONNEL TO SECONDARY EDUCATIONAL INSTITUTIONS; RELEASE OF DATA

Pub. L. 96-342, title III, §302(d), Sept. 8, 1980, 94 Stat. 1083, provided that: “It is the sense of the Congress—

“(1) that secondary educational institutions in the United States, the Commonwealth of Puerto Rico, and the territories of the United States should cooperate with the Armed Forces by allowing recruiting personnel access to such institutions; and

“(2) that it is appropriate for such institutions to release to the Armed Forces information regarding students at such institutions (including such data as names, addresses, and education levels) which is relevant to recruiting individuals for service in the Armed Forces.”

§ 504. Persons not qualified

(a) **INSANITY, DESERTION, FELONS, ETC.**—No person who is insane, intoxicated, or a deserter from an armed force, or who has been convicted of a felony, may be enlisted in any armed force. However, the Secretary concerned may authorize exceptions, in meritorious cases, for the enlistment of deserters and persons convicted of felonies.

(b) **CITIZENSHIP OR RESIDENCY.**—(1) A person may be enlisted in any armed force only if the person is one of the following:

(A) A national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(B) An alien who is lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

(C) A person described in section 341 of one of the following compacts:

(i) The Compact of Free Association between the Federated States of Micronesia and the United States (section 201(a) of Public Law 108-188 (117 Stat. 2784; 48 U.S.C. 1921 note)).

(ii) The Compact of Free Association between the Republic of the Marshall Islands and the United States (section 201(b) of Public Law 108-188 (117 Stat. 2823; 48 U.S.C. 1921 note)).

(iii) The Compact of Free Association between Palau and the United States (section 201 of Public Law 99-658 (100 Stat. 3678; 48 U.S.C. 1931 note)).

(2) Notwithstanding paragraph (1), and subject to paragraph (3), the Secretary concerned may authorize the enlistment of a person not described in paragraph (1) if the Secretary determines that such person possesses a critical skill or expertise—

(A) that is vital to the national interest; and

(B) that the person will use in the primary daily duties of that person as a member of the armed forces.

(3)(A) No person who enlists under paragraph (2) may report to initial training until after the Secretary concerned has completed all required background investigations and security and suitability screening as determined by the Secretary of Defense regarding that person.

(B) A Secretary concerned may not authorize more than 1,000 enlistments under paragraph (2) per military department in a calendar year until after—

(i) the Secretary of Defense submits to Congress written notice of the intent of that Secretary concerned to authorize more than 1,000 such enlistments in a calendar year; and

(ii) a period of 30 days has elapsed after the date on which Congress receives the notice.

(Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754; amended Pub. L. 109-163, div. A, title V, § 542(a), Jan. 6, 2006, 119 Stat. 3253; Pub. L. 115-232, div. A, title V, § 521(a), Aug. 13, 2018, 132 Stat. 1755.)

Editorial Notes

CODIFICATION

Another section 504 was renumbered section 500d of this title.

AMENDMENTS

2018—Subsec. (b)(2). Pub. L. 115-232, § 521(a)(1), inserted “and subject to paragraph (3),” after “Notwithstanding paragraph (1),” substituted “person possesses a critical skill or expertise—” for “enlistment is vital to the national interest.”, and added subpars. (A) and (B).

Subsec. (b)(3). Pub. L. 115-232, § 521(a)(2), added par. (3).

2006—Pub. L. 109-163 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

PROVISION OF INFORMATION REGARDING FEDERAL SERVICE TO CERTAIN PERSONS INELIGIBLE TO ENLIST IN CERTAIN ARMED FORCES

Pub. L. 118-159, div. A, title V, § 536, Dec. 23, 2024, 138 Stat. 1888, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall prescribe regulations directing the Secretary of a military department to provide, to a person described in subsection (b), information regarding opportunities for Federal, or other public, service for which the person may be qualified.

“(b) CERTAIN PERSONS NOT QUALIFIED TO ENLIST.—A person described in this subsection is a person ineligible to serve in a covered Armed Force.

“(c) COVERED ARMED FORCE DEFINED.—In this section, the term ‘covered Armed Force’ means the Army, Navy, Marine Corps, Air Force, or Space Force.”

PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE

Pub. L. 112-239, div. A, title V, § 523, Jan. 2, 2013, 126 Stat. 1723, which provided that an individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if convicted of rape or other sexual offenses, was repealed by Pub. L. 113-66, div. A, title XVII, § 1711(b), Dec. 26, 2013, 127 Stat. 963. See section 657 of this title.

§ 505. Regular components: qualifications, term, grade

(a) The Secretary concerned may accept original enlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, of qualified, effective, and able-bodied persons who are not less than seventeen years of age nor more than forty-two years of age. However, no person under eighteen years of age may be originally enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control.

(b) A person is enlisted in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard in the grade or rating prescribed by the Secretary concerned.

(c) The Secretary concerned may accept original enlistments of persons for the duration of their minority or for a period of at least two but not more than eight years, in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be.

(d) The Secretary concerned may accept a reenlistment in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for a period determined under this subsection.

(2) In the case of a member who has less than 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the period for which the member reenlists shall be at least two years but not more than eight years.

(3) In the case of a member who has at least 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the Secretary concerned may accept a reenlistment for either—

- (A) a specified period of at least two years but not more than eight years; or
- (B) an unspecified period.

(4) No enlisted member is entitled to be reenlisted for a period that would expire before the end of the member’s current enlistment.

(e) ENLISTMENTS IN THE SPACE FORCE.—For enlistments in the Space Force, see sections 20301 and 20302 of this title.

(Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754; amended Pub. L. 93-290, May 24, 1974, 88 Stat. 173; Pub. L. 95-485, title VIII, § 820(a), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 98-94, title X, § 1023, Sept. 24, 1983, 97 Stat. 671; Pub. L. 104-201, div. A, title V, § 511, Sept. 23, 1996, 110 Stat. 2514; Pub. L. 109-163, div. A, title V, §§ 543, 544, Jan. 6, 2006, 119 Stat. 3253; Pub. L. 110-417, [div. A], title V, § 531(a), Oct. 14, 2008, 122 Stat. 4449; Pub. L. 116-283, div. A, title IX, § 924(b)(5)(A), Jan. 1, 2021, 134 Stat. 3822; Pub. L. 118-31, div. A, title XVII, § 1717(b)(2), Dec. 22, 2023, 137 Stat. 655.)

Editorial Notes

CODIFICATION

Another section 505 was renumbered section 500e of this title.

AMENDMENTS

2023—Pub. L. 118-31, § 1717(b)(2)(A), struck out “Regular Space Force,” after “Regular Marine Corps,” wherever appearing.

Subsec. (e). Pub. L. 118-31, § 1717(b)(2)(B), added subsec. (e).

2021—Pub. L. 116-283 substituted “Regular Marine Corps, Regular Space Force,” for “Regular Marine Corps,” wherever appearing.

2008—Subsec. (d)(2), (3)(A). Pub. L. 110-417 substituted “eight years” for “six years”.

2006—Subsec. (a). Pub. L. 109-163, § 543, in first sentence, substituted “forty-two years of age” for “thirty-five years of age”.

Subsec. (c). Pub. L. 109-163, § 544, substituted “eight years” for “six years”.

1996—Subsec. (d). Pub. L. 104-201 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for period of at least two but not