

“(1) Except as provided in paragraphs (2) and (3), section 653 of title 10, United States Code, as added by subsection (a)(1), shall apply to persons who begin undergraduate pilot training, undergraduate navigator training, or undergraduate naval flight officer training, as the case may be, after September 30, 1990.

“(2) Such section shall apply to persons who graduate from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the Coast Guard Academy after December 31, 1991, and to persons who satisfactorily complete the academic and military requirements of the Senior Reserve Officers’ Training Corps program (provided for in chapter 103 of title 10, United States Code) after December 31, 1991.

“(3) The minimum service requirements provided for such section shall not apply in the case of any person who entered into an agreement with the Secretary concerned before October 1, 1990, and who is obligated under the terms of such agreement to serve on active duty for a period less than the applicable period specified in section 653 of such title.

“(4) For purposes of this subsection, the term ‘Secretary concerned’ has the meaning given that term in section 101(8) of title 10, United States Code [now 10 U.S.C. 101(a)(9)].”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

§ 654. Minimum service requirement for certain cyberspace occupational specialties

(a) CYBERSPACE OPERATIONS OFFICER.—The minimum service obligation for any member who successfully completes training in the armed forces in direct accession to the cyberspace operations officer occupational specialty of the Marine Corps shall be eight years.

(b) SERVICE OBLIGATION DEFINED.—In this section, the term “service obligation” means the period of active duty or, in the case of a member of a reserve component who completed cyberspace operations training in an active duty for training status as a member of a reserve component, the period of service in an active status in the Selected Reserve, required to be served after completion of cyberspace operations training.

(Added Pub. L. 118–31, div. A, title V, §509(b), Dec. 22, 2023, 137 Stat. 243.)

Editorial Notes

PRIOR PROVISIONS

A prior section 654, added Pub. L. 103–160, div. A, title V, §571(a)(1), Nov. 30, 1993, 107 Stat. 1670, related to policy concerning homosexuality in the armed forces, prior to repeal by Pub. L. 111–321, §2(f)(1)(A), Dec. 22, 2010, 124 Stat. 3516.

Statutory Notes and Related Subsidiaries

DON’T ASK, DON’T TELL REPEAL

Pub. L. 111–321, Dec. 22, 2010, 124 Stat. 3515, repealed former section 654 of this title effective 60 days after the later of the Secretary of Defense receiving a report, which was released Nov. 30, 2010, and the President transmitting to the congressional defense committees a written certification, which was transmitted July 22, 2011.

§ 655. Designation of persons having interest in status of a missing member

(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person’s primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.

(Added Pub. L. 104–106, div. A, title V, §569(d)(1), Feb. 10, 1996, 110 Stat. 352.)

§ 656. Diversity in military leadership: plan; mentoring and career counseling program

(a) PLAN.—The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Department of the Navy) shall develop and implement a plan to accurately measure the efforts of the Department of Defense and the Coast Guard to achieve a dynamic, sustainable level of members of the armed forces (including reserve components) that, among both commissioned officers and senior enlisted personnel of each armed force, will reflect the diverse population of the United States eligible to serve in the armed forces, including gender specific, racial, and ethnic populations. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Coast Guard, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary concerned shall continue to account for diversified language and cultural skills among the total force of the armed forces.

(b) MENTORING AND CAREER COUNSELING PROGRAM.—

(1) PROGRAM REQUIRED AS PART OF PLAN.—With the goal of having the diversity of the population of officers serving in each branch, specialty, community, and grade of each armed force reflect the diversity of the population in such armed force as a whole, the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating shall include in the plan required by subsection (a) a mentoring and career counseling program for officers.

(2) ELEMENTS.—The program required by this subsection shall include the following:

(A) The option for any officer to participate in the program.

(B) For each officer who elects to participate in the program, the following:

(i) One or more opportunities for mentoring and career counseling before selection of the officer's branch, specialty, or community.

(ii) Ongoing opportunities for mentoring and career counseling following selection of the officer's branch, specialty, or community, and continuing through the officer's military career.

(C) Mentoring and counseling during opportunities under subparagraph (B) consisting of the following:

(i) Information on officer retention and promotion rates in each grade, branch, specialty, and community of the armed force concerned, including the rate at which officers in each branch, specialty, or community of such armed force are promoted to a grade above O-6.

(ii) Information on career and service pathways, including service in the reserve components.

(iii) Such other information as may be required to optimize the ability of an officer to make informed career decisions through the officer's military career.

(C) METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN AND MENTORING AND CAREER COUNSELING PROGRAM.—In developing and implementing the plan under subsection (a) and the mentoring and career counseling program under subsection (b), the Secretary of Defense and the Secretary of Homeland Security shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

(1) to accurately capture the inclusion and capability aspects of the armed forces' broader diversity plans, including race, ethnic, and gender specific groups, as potential factors of force readiness that would supplement continued accounting by the Department of Defense and the Coast Guard of diversified language and cultural skills among the total force as part of the assessment of current and future national security needs; and

(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

(d) DEFINITION OF DIVERSITY.—In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a uniform definition of diversity.

(e) CONSULTATION.—Not less than annually, the Secretary of Defense and the Secretary of Homeland Security shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and senior enlisted members of the armed forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

(f) COOPERATION WITH STATES.—The Secretary of Defense shall coordinate with the National Guard Bureau and States in tracking the progress of the National Guard toward developing and implementing the plan established under subsection (a).

(Added Pub. L. 112-239, div. A, title V, § 519(a)(1), Jan. 2, 2013, 126 Stat. 1720; amended Pub. L. 116-283, div. A, title V, § 571(a)(1)–(3)(A), Jan. 1, 2021, 134 Stat. 3642, 3643.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 571(a)(3)(A), amended section catchline generally, substituting “Diversity in military leadership: plan; mentoring and career counseling program” for “Diversity in military leadership: plan”.

Subsec. (b). Pub. L. 116-283, § 571(a)(1)(B), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 116-283, § 571(a)(1)(A), (2), redesignated subsec. (b) as (c) and inserted “and Mentoring and Career Counseling Program” after “Developing and Implementing Plan” in heading and “and the mentoring and career counseling program under subsection (b)” after “the plan under subsection (a)” in text. Former subsec. (c) redesignated (d).

Subsecs. (d) to (f). Pub. L. 116-283, § 571(a)(1)(A), redesignated subsecs. (c) to (e) as (d) to (f), respectively.

Statutory Notes and Related Subsidiaries

STRATEGIC PLAN FOR DIVERSITY AND INCLUSION

Pub. L. 116-92, div. A, title V, § 529, Dec. 20, 2019, 133 Stat. 1358, provided that:

“(a) PLAN REQUIRED.—The Secretary of Defense shall design and implement a five-year strategic plan for diversity and inclusion in the Department of Defense.

“(b) ELEMENTS.—The strategic plan under this section—

“(1) shall incorporate existing efforts to promote diversity and inclusion within the Department; and

“(2) may not conflict with the objectives of the 2018 National Military Strategy.

“(c) DEADLINE.—The Secretary shall implement the strategic plan under this section not later than one year after the date of the enactment of this Act [Dec. 20, 2019].”

§ 657. Prohibition on service in the armed forces by individuals convicted of certain sexual offenses

(a) PROHIBITION ON COMMISSIONING OR ENLISTMENT.—A person who has been convicted of an offense specified in subsection (b) under Federal or State law may not be processed for commissioning or permitted to enlist in the armed forces.

(b) COVERED OFFENSES.—An offense specified in this subsection is any felony offense as follows:

(1) Rape or sexual assault.

(2) Forcible sodomy.

(3) Incest.

(4) An attempt to commit an offense specified in paragraph (1) through (3), as punishable under applicable Federal or State law.

(Added Pub. L. 113-66, div. A, title XVII, § 1711(a)(1), Dec. 26, 2013, 127 Stat. 962.)

CHAPTER 38—JOINT OFFICER MANAGEMENT

Sec.

661. Management policies for joint qualified officers.

662. Promotion policy objectives for joint officers.

663. Joint duty assignments after completion of joint professional military education.

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