

(Added Pub. L. 110-181, div. A, title VI, §671(a)(1), Jan. 28, 2008, 122 Stat. 181; amended Pub. L. 110-417, [div. A], title VI, §615(b), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, §616(2), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-383, div. A, title VI, §616(2), Jan. 7, 2011, 124 Stat. 4238.)

#### PRIOR PROVISIONS

A prior section 3252, act Aug. 10, 1956, ch. 1041, 70A Stat. 177, provided that temporary enlistments could be made only in the Army without specification of component, prior to repeal by Pub. L. 90-235, §2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

#### AMENDMENTS

2011—Subsec. (h). Pub. L. 111-383 substituted “December 31, 2011” for “December 31, 2010”.

2009—Subsec. (h). Pub. L. 111-84 substituted “December 31, 2010” for “December 31, 2009”.

2008—Subsec. (h). Pub. L. 110-417 substituted “December 31, 2009” for “December 31, 2008”.

#### [§ 3253. Repealed. Pub. L. 109-163, div. A, title V, § 542(b)(1), Jan. 6, 2006, 119 Stat. 3253]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 177; Pub. L. 87-143, §1(1), Aug. 17, 1961, 75 Stat. 364; Pub. L. 90-235, §2(a)(2)(A), Jan. 2, 1968, 81 Stat. 756; Pub. L. 96-513, title V, §512(3), Dec. 12, 1980, 94 Stat. 2929, provided that, in peace time, Army enlistment was available only to citizens and persons lawfully admitted to the United States for permanent residence.

#### [§§ 3254 to 3256. Repealed. Pub. L. 90-235, § 2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756]

Section 3254, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, provided for temporary enlistments in the Army during war or emergency.

Section 3255, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, provided for recruiting campaigns to obtain enlistments in the Regular Army.

Section 3256, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, set forth qualifications for and term of enlistments in the Regular Army and the grade in which such enlistments were made.

#### MEMBERS OF ARMY AND AIR FORCE SERVING UNDER ENLISTMENTS FOR UNSPECIFIED PERIODS ON JAN. 2, 1968; CONTINUANCE IN STATUS; DISCHARGE

Section 3(c) of Pub. L. 90-235 provided that: “Members of the Army or the Air Force who, on the effective date of this Act [Jan. 2, 1968], are serving under enlistments for unspecified periods under sections 3256(b) and 8256(b) of title 10, United States Code, shall continue in that status and shall be discharged therefrom in accordance with laws applicable to such discharges on the day before the effective date of this Act.”

#### § 3258. Regular Army: reenlistment after service as an officer

(a) Any former enlisted member of the Regular Army who has served on active duty as an officer of the Army, or who was discharged as an enlisted member to accept an appointment as an officer of the Army, is entitled to be reenlisted in the Regular Army in the enlisted grade that he held before his service as an officer, without loss of seniority or credit for service, regardless of the existence of a vacancy in his grade or of a physical disability incurred or having its inception in line of duty, if (1) his service as an officer is terminated by an honorable discharge or he is relieved from active duty for a purpose other than to await appellate review of a sen-

tence that includes dismissal or dishonorable discharge, and (2) he applies for reenlistment within six months (or such other period as the Secretary of the Army prescribes for exceptional circumstances) after termination of that service.

(b) A person is not entitled to be reenlisted under this section if—

(1) the person was discharged or released from active duty as an officer on the basis of a determination of—

(A) misconduct;

(B) moral or professional dereliction;

(C) duty performance below prescribed standards for the grade held; or

(D) retention being inconsistent with the interests of national security; or

(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the commission held by that person during the active duty from which the person was released or discharged.

(Aug. 10, 1956, ch. 1041, 70A Stat. 179; Pub. L. 85-603, §1(1), Aug. 8, 1958, 72 Stat. 526; Pub. L. 102-484, div. A, title V, §520(a), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 110-181, div. A, title V, §506(a), Jan. 28, 2008, 122 Stat. 96.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3258 .....	10:631a (less last proviso).	July 14, 1939, ch. 267, §1 (less last proviso); re-stated May 29, 1954, ch. 249, §19(b) (less last proviso), 68 Stat. 166.

The words “former” and “as an enlisted member” are inserted for clarity. The words “credit for service” are substituted for the words “of service”. The words “in his grade” are substituted for the words “in the appropriate enlisted grade”. The words “he applies” are substituted for the words “application \* \* \* shall be made”. The words “Hereafter” and “while on active duty” are omitted as surplusage.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, §506(a)(1), substituted “an officer” for “a Reserve officer” and “an appointment” for “a temporary appointment”.

Subsec. (b)(1). Pub. L. 110-181, §506(a)(2)(A), substituted “an officer” for “a Reserve officer” in introductory provisions.

Subsec. (b)(2). Pub. L. 110-181, §506(a)(2)(B), substituted “the commission” for “the Reserve commission”.

1992—Pub. L. 102-484 designated existing provisions as subsec. (a), added subsec. (b), and struck out at end of subsec. (a) “However, if his service as an officer terminated by a general discharge, he may, under regulations to be prescribed by the Secretary of the Army, be so reenlisted.”

1958—Pub. L. 85-603 limited entitlement to be reenlisted in enlisted grade to those officers whose service terminated by an honorable discharge and those relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and provided that persons whose service terminated by a general discharge, may, under regulations to be prescribed by the Secretary of the Army, be so reenlisted.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 520(c) of Pub. L. 102-484 provided that: “The amendments made by subsections (a) and (b) [amending