

[§ 3230. Repealed. Pub. L. 96-513, title II, § 232, Dec. 12, 1980, 94 Stat. 2886]

Section, added Pub. L. 85-861, §1(69)(B), Sept. 2, 1958, 72 Stat. 1464, provided that members of Army who are detailed for duty with agencies of United States outside Department of Defense on a reimbursable basis not be counted in computing strengths under any law.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CHAPTER 333—ENLISTMENTS

- Sec. 3251. Definition.
- 3252. Bonus to encourage Army personnel to refer persons for enlistment in the Army.
- [3253 to 3256. Repealed.]
- 3258. Regular Army: reenlistment after service as an officer.
- [3259 to 3261. Repealed.]
- 3262. Army: percentage of high-school graduates.
- [3263, 3264. Repealed.]

AMENDMENTS

- 2008—Pub. L. 110-181, div. A, title VI, § 671(a)(2), Jan. 28, 2008, 122 Stat. 182, added item 3252.
- 2006—Pub. L. 109-163, div. A, title V, § 542(b)(2), Jan. 6, 2006, 119 Stat. 3253, struck out item 3253 “Army: persons not qualified”.
- 2002—Pub. L. 107-314, div. A, title V, § 531(c), Dec. 2, 2002, 116 Stat. 2544, struck out item 3264 “18-month enlistment pilot program”.
- 2001—Pub. L. 107-107, div. A, title V, § 541(a)(2), Dec. 28, 2001, 115 Stat. 1110, added item 3264.
- 1994—Pub. L. 103-337, div. A, title XVI, § 1672(b)(3), Oct. 5, 1994, 108 Stat. 3015, struck out items 3259 “Army Reserve: transfer from Army National Guard of United States”, 3260 “Army Reserve: transfer to upon withdrawal as member of Army National Guard”, and 3261 “Army National Guard of United States”.
- 1986—Pub. L. 99-661, div. A, title IV, § 402(b), Nov. 14, 1986, 100 Stat. 3859, added item 3262.
- 1968—Pub. L. 90-235, § 2(a)(2)(C), Jan. 2, 1968, 81 Stat. 756, struck out item 3252 “Temporary enlistments”, item 3254 “Army: during war or emergency”, item 3255 “Regular Army: recruiting campaigns”, item 3256 “Regular Army: qualifications, term, grade”, item 3262 “Extension of enlistment for members needing medical care or hospitalization”, and item 3263 “Voluntary extension of enlistment”.
- 1958—Pub. L. 85-861, §1(71)(C), Sept. 2, 1958, 72 Stat. 1465, added item 3263.

§ 3251. Definition

In this chapter, the term “enlistment” means original enlistment or reenlistment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 177; Pub. L. 100-180, div. A, title XII, § 1231(19)(A), Dec. 4, 1987, 101 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3251	[No source].	[No source].

The revised section is inserted for clarity.

AMENDMENTS

1987—Pub. L. 100-180 inserted “, the term” after “In this chapter”.

§ 3252. Bonus to encourage Army personnel to refer persons for enlistment in the Army

(a) AUTHORITY TO PAY BONUS.—

(1) AUTHORITY.—The Secretary of the Army may pay a bonus under this section to an individual referred to in paragraph (2) who refers to an Army recruiter a person who has not previously served in an armed force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

- (A) A member in the regular component of the Army.
- (B) A member of the Army National Guard.
- (C) A member of the Army Reserve.
- (D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.
- (E) A civilian employee of the Department of the Army.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

- (1) when the individual concerned contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or
- (2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army or civilian employee of the Department of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army or civilian employee of the Department of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(3) JUNIOR RESERVE OFFICERS’ TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of this title to serve as an administrator or instructor in the Junior Reserve Officers’ Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed \$2,000. The amount shall be payable as provided in subsection (e).

(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

- (1) Not more than \$1,000 shall be paid upon the commencement of basic training by the person.

(2) Not more than \$1,000 shall be paid upon the completion of basic training and individual advanced training by the person.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of this title.

(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under this title, title 37 or 38, or any other provision of law.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2011.

(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

Pub. L. 90-235, §3(c), Jan. 2, 1968, 81 Stat. 758, 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 sentence 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”.