

[§ 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 Repealed.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 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 Repealed.]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 Repealed.]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 Repealed.]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

2015—Pub. L. 114-92, div. A, title VI, §618(b), Nov. 25, 2015, 129 Stat. 841, struck out item 3252 “Bonus to encourage Army personnel to refer persons for enlistment in the Army”.

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. Repealed. Pub. L. 114-92, div. A, title VI, § 618(a), Nov. 25, 2015, 129 Stat. 840]

Section, 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, related to bonus to encourage Army personnel to refer persons for enlistment in the Army.

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.

[§ 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”.

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

Pub. L. 102-484, div. A, title V, § 520(c), Oct. 23, 1992, 106 Stat. 2409, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 8258 of this title] shall apply to persons discharged or released from active duty as commissioned officers in the Army Reserve or the Air Force Reserve, respectively, after the date of the enactment of this Act [Oct. 23, 1992].”

[§§ 3259 to 3261. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(b)(3), Oct. 5, 1994, 108 Stat. 2990]

Section 3259, acts Aug. 10, 1956, ch. 1041, 70A Stat. 179; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to transfers in grade of enlisted members of Army National Guard of United States to Army Reserve. See section 12105 of this title.

Section 3260, act Aug. 10, 1956, ch. 1041, 70A Stat. 179, provided that enlisted members of Army National Guard of United States are transferred to Army Reserve upon withdrawal as members of Army National Guard. See section 12106 of this title.

Section 3261, acts Aug. 10, 1956, ch. 1041, 70A Stat. 179; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(20), 72 Stat. 1565; Oct. 4, 1961, Pub. L. 87-378, § 3, 75 Stat. 808, related to enlistment in Army National Guard of United States. See section 12107 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

§ 3262. Army: percentage of high-school graduates

Notwithstanding section 520(b) of this title, of the males with no prior military service who are enlisted or inducted into the Army during any fiscal year, the number who are not high-school graduates may not exceed, as of the end of the fiscal year, 35 percent of all such persons.

(Added Pub. L. 99-661, div. A, title IV, § 402(a), Nov. 14, 1986, 100 Stat. 3859; amended Pub. L. 100-370, § 1(a)(2), July 19, 1988, 102 Stat. 840.)

HISTORICAL AND REVISION NOTES

1988 ACT

Amendment of section is based on Pub. L. 93-307, title IV, § 401, June 8, 1974, 88 Stat. 234, as amended by Pub. L. 93-365, title VII, § 705, Aug. 5, 1974, 88 Stat. 406.

PRIOR PROVISIONS

A prior section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 180; Sept. 2, 1958, Pub. L. 85-861, § 1(71), 72 Stat. 1464, provided for extension of enlistment of members of the Army needing medical care or hospitalization, prior to repeal by Pub. L. 90-235, § 2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

AMENDMENTS

1988—Pub. L. 100-370 substituted “Notwithstanding section 520(b) of this title, of” for “Of”.

[§ 3263. Repealed. Pub. L. 90-235, § 2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756]

Section, Pub. L. 85-861, § 1(71)(B), Sept. 2, 1958, 72 Stat. 1465; Pub. L. 87-649, § 14(c)(4), Sept. 7, 1962, 76 Stat. 501, provided for voluntary extension of enlistments in the Army.

[§ 3264. Repealed. Pub. L. 107-314, div. A, title V, § 531(c), Dec. 2, 2002, 116 Stat. 2544]

Section, added Pub. L. 107-107, div. A, title V, § 541(a)(1), Dec. 28, 2001, 115 Stat. 1109, related to an 18-month enlistment pilot program to increase participation of prior service persons in Selected Reserve and to provide assistance in building pool of participants in Individual Ready Reserve.

CHAPTER 335—APPOINTMENTS IN THE REGULAR ARMY

Sec.

3281. Commissioned officer grades.