

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, pro-

vided 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, § 14c(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.
- 3282. General officers: title of office.
- 3283. Commissioned officers: appointment without specification of branch; transfer between branches.

[3284 to 3309. Repealed.]

- 3310. Warrant officers: original appointment; qualifications.

[3311 to 3314. Repealed.]

AMENDMENTS

1980—Pub. L. 96-513, title V, § 502(8), Dec. 12, 1980, 94 Stat. 2909, struck out items 3284 “Commissioned officers: appointment, how made”, 3285 “Commissioned officers: original appointment; qualifications”, 3286 “Commissioned officers: original appointment; age limitations”, 3287 “Commissioned officers: original appointment; service credit”, 3288 “Commissioned officers: original appointment; determination of grade”, 3289 “Commissioned officers; Medical Corps: original appointment; professional examination”, 3290 “Commissioned officers; Medical Service Corps: original appointment; additional qualifications, grade”, 3291 “Commissioned officers: Army Nurse Corps and Army Medical Specialist Corps: original appointment; additional qualifications, grade”, 3292 “Commissioned officers; Judge Advocate General’s Corps: original appointment; additional qualifications, grade”, 3293 “Commissioned officers; Chaplains: original appointment; examination”, 3294 “Commissioned officers; Medical and Dental Corps: original appointment”, 3295 “Commissioned officers: original appointment; determination of place on promotion list”, 3296 “Promotion lists: promotion-list officer defined; determination of place upon transfer or promotion”, 3297 “Selection boards”, 3298 “Commissioned officers: promotion to first lieutenant; effect of failure of promotion”, 3299 “Commissioned officers: promotion to captain, major, or lieutenant colonel”, 3300 “Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure”, 3302 “Commissioned officers: Medical, Dental, and Veterinary Corps: promotion to captain, major, or lieutenant colonel; professional examination”, 3303 “Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel”, 3305 “Commissioned officers: promotion to colonel”, 3306 “Commissioned officers: promotion to brigadier general”, 3307 “Commissioned officers: promotion to major general”, 3308 “Commissioned officers: effect of removal

from recommended list by President or failure of confirmation by Senate”, 3309 “Commissioned officers: physical examination for promotion”, 3312 “Officers: acceptance of promotion”, 3313 “Suspension of laws for promotion or mandatory retirement or separation during war or emergency”, and 3314 “Commissioned officers: promotion not to be delayed by another appointment”.

1978—Pub. L. 95-485, title VIII, § 820(d)(5), Oct. 20, 1978, 92 Stat. 1627, struck out item 3311 “Officers: female; limitations on appointment”.

1967—Pub. L. 90-130, § 1(10)(C), (E), Nov. 8, 1967, 81 Stat. 375, struck out item 3304 “Commissioned officers; Army Nurse Corps and Army Medical Specialist: promotion to lieutenant colonel or colonel”, and struck out “other than officers in Army Nurse Corps and Army Medical Specialist Corps” after “Commissioned officers” in item 3305.

1958—Pub. L. 85-861, § 1(79)(B), Sept. 2, 1958, 72 Stat. 1468, added item 3314.

1957—Pub. L. 85-155, title I, § 101(9), (15), (17), Aug. 21, 1957, 71 Stat. 377, 379, substituted “Army Medical Specialist Corps” for “Women’s Medical Specialist Corps” in item 3291, “Army Medical Specialist” for “Women’s Medical Specialist Corps” and “promotion to lieutenant colonel or colonel” for “promotion to first lieutenant, captain, major, or lieutenant colonel” in item 3304, and “Commissioned officers other than officers in Army Nurse Corps and Army Medical Specialist Corps” for “Commissioned officers” in item 3305.

§ 3281. Commissioned officer grades

The commissioned grades in the Regular Army are:

- (1) Major general.
- (2) Brigadier general.
- (3) Colonel.
- (4) Lieutenant colonel.
- (5) Major.
- (6) Captain.
- (7) First lieutenant.
- (8) Second lieutenant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 181.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3281	10:506(a) (last 24 words).	Aug. 7, 1947, ch. 512, § 502(a) (last 24 words), 61 Stat. 884.

§ 3282. General officers: title of office

An officer holding an appointment as a general officer in the Regular Army may be called a general officer in the Regular Army. In addition, a general officer of the Regular Army in the Medical Corps, Dental Corps, Veterinary Corps, Judge Advocate General’s Corps, or the Chaplains, may be called a general officer of that branch.

(Aug. 10, 1956, ch. 1041, 70A Stat. 181.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3282	10:506(b) (less 2d sentence).	Aug. 7, 1947, ch. 512, § 502(b) (less 2d sentence), 61 Stat. 884.

The words “may be called” are substituted for the words “shall be known as” and “may be specifically referred to”. The words “of that branch” are substituted for the enumeration of branches.