

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, §3258; 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; renumbered §7138, Pub. L. 115-232, div. A, title VIII, §808(b)(2), Aug. 13, 2018, 132 Stat. 1838.)

#### 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

2018—Pub. L. 115-232 renumbered section 3258 of this title as this section.

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 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

#### 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].”

#### § 7142. 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, §3262; amended Pub. L. 100-370, §1(a)(2), July 19, 1988, 102 Stat. 840; renumbered §7142, Pub. L. 115-232, div. A, title VIII, §808(b)(2), Aug. 13, 2018, 132 Stat. 1838.)

#### 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.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3262 of this title as this section.

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

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

#### CHAPTER 715—APPOINTMENTS IN THE REGULAR ARMY

Sec.	
7151.	Commissioned officer grades.
7152.	General officers: title of office.
7153.	Commissioned officers: appointment without specification of branch; transfer between branches.

#### AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 335 of this title as this chapter and items 3281 to 3283 as 7151 to 7153, respectively.

Pub. L. 115-232, div. A, title V, §511(b), Aug. 13, 2018, 132 Stat. 1751, struck out item 3310 “Warrant officers: original appointment; qualifications”.

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 offi-