

appearing and struck out provisions that, of the authorized strength, not more than one-half could be in a regular grade above brigadier general.

Subsec. (b). Pub. L. 96-513, § 502(5)(A), (C), substituted “active-duty list” for “active list” wherever appearing and substituted paragraphed references to “(1) each corps of the Army Medical Department” and “(2) the Chaplains” for former paragraphed references to “(1) The Medical Corps”, “(2) the Dental Corps”, “(3) the Veterinary Corps”, and “(4) the Chaplains”.

Subsecs. (d), (e). Pub. L. 96-513, § 502(5)(D), struck out subsec. (d) which provided that general officers on the active list of the Regular Army who were specifically authorized by law to hold a civil office under the United States or any instrumentality thereof were not counted in determining authorized strength under this section and subsec. (e) which had provided that the authorized strength of the Medical Service Corps in general officers on the active list of the Regular Army was one commissioned officer in the regular grade of brigadier general.

1968—Subsec. (a). Pub. L. 90-329 substituted “Army Medical Department” for “Army Medical Service” in two places.

1966—Subsec. (e). Pub. L. 89-603 added subsec. (e).

1958—Subsec. (a). Pub. L. 85-861, § 1(66)(A), substituted “Subject to section 3202(a) of this title, the” for “The”.

Subsecs. (c) to (e). Pub. L. 85-861, § 1(66)(B), struck out subsec. (c) which prescribed the number of general officers authorized for the active list of the Regular Army, and redesignated subsecs. (d) and (e) as (c) and (d), respectively.

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 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

CHAPTER 713—ENLISTMENTS

- Sec.
- 7131. Definition.
- 7138. Regular Army: reenlistment after service as an officer.
- 7142. Army: percentage of high-school graduates.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 333 of this title as this chapter and items 3251, 3258, and 3262 as 7131, 7138, and 7142, respectively.

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.

§ 7131. Definition

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 177, § 3251; Pub. L. 100-180, div. A, title XII, § 1231(19)(A), Dec. 4, 1987, 101 Stat. 1161; renumbered § 7131, 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)
3251	[No source].	[No source].

The revised section is inserted for clarity.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3251 of this title as this section.

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

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.

§ 7138. 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