

item 8262 "Extension of enlistment for members needing medical care or hospitalization", and item 8263 "Voluntary extension of enlistment".

1958—Pub. L. 85-861, §1(166)(C), (D), Sept. 2, 1958, 72 Stat. 1516, struck out "enlistment" after "United States" in item 8261, and added item 8263.

§ 8251. Definition

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 503; 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)
8251	[No source].	[No source].

The revised section is inserted for clarity.

AMENDMENTS

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

WOMEN IN ARMED FORCES

Pub. L. 98-525, title V, §551(a), Oct. 19, 1984, 98 Stat. 2530, as amended by Pub. L. 99-661, div. A, title V, §504, Nov. 14, 1986, 100 Stat. 3864; Pub. L. 100-180, div. A, title V, §506, Dec. 4, 1987, 101 Stat. 1086, which required the Secretary of the Air Force to provide that of all persons originally enlisting in the Regular Air Force during fiscal year 1989, not less than 22 percent be women, was repealed by Pub. L. 100-456, div. A, title V, §522(d), Sept. 29, 1988, 102 Stat. 1974. See section 8252 of this title.

§ 8252. Regular Air Force: gender-free basis for acceptance of original enlistments

In accepting persons for original enlistment in the Regular Air Force, the Secretary of the Air Force may not—

- (1) set a minimum or maximum percentage of persons who may be accepted for such an enlistment according to gender for skill categories or jobs; or
- (2) in any other way base the acceptance of a person for such an enlistment on gender.

(Added Pub. L. 100-456, div. A, title V, §522(a)(1), Sept. 29, 1988, 102 Stat. 1973; amended Pub. L. 102-484, div. A, title X, §1052(40), Oct. 23, 1992, 106 Stat. 2501.)

PRIOR PROVISIONS

A prior section 8252, act Aug. 10, 1956, ch. 1041, 70A Stat. 503, provided that temporary enlistments could be made only in Air Force without specification of component, prior to repeal by Pub. L. 90-235, §2(a)(4)(B), Jan. 2, 1968, 81 Stat. 756.

AMENDMENTS

1992—Pub. L. 102-484 substituted "In" for "(a) Except as provided in subsection (b), in" and struck out subsec. (b) which read as follows: "Subsection (a) shall not apply with respect to an enlistment specified as being for training leading to designation in a skill category involving duty assignments to which, under section 8549 of this title, female members of the Air Force may not be assigned."

EFFECTIVE DATE

Pub. L. 100-456, div. A, title V, §522(c), Sept. 29, 1988, 102 Stat. 1974, provided that: "Such section [10 U.S.C.

8252] shall apply with respect to persons accepted for original enlistment in the Regular Air Force after September 30, 1989."

IMPLEMENTATION

Pub. L. 100-456, div. A, title V, §522(b), Sept. 29, 1988, 102 Stat. 1973, provided that: "The Secretary of the Air Force shall develop a methodology for implementing section 8252 of title 10, United States Code, as added by subsection (a), not later than October 1, 1989."

§ 8253. Repealed. Pub. L. 109-163, div. A, title V, § 542(b)(1), Jan. 6, 2006, 119 Stat. 3253]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 503; Pub. L. 87-143, §1(2), Aug. 17, 1961, 75 Stat. 364; Pub. L. 90-235, §2(a)(4)(A), Jan. 2, 1968, 81 Stat. 756; Pub. L. 96-513, title V, §514(2), Dec. 12, 1980, 94 Stat. 2935, provided that, in peace time, Air Force enlistment was available only to citizens and persons lawfully admitted to the United States for permanent residence.

§§ 8254 to 8256. Repealed. Pub. L. 90-235, § 2(a)(4)(B), Jan. 2, 1968, 81 Stat. 756]

Section 8254, act Aug. 10, 1956, ch. 1041, 70A Stat. 503, provided for temporary enlistments in Air Force during war or emergency.

Section 8255, act Aug. 10, 1956, ch. 1041, 70A Stat. 504, provided for recruiting campaigns to obtain enlistments in Regular Air Force.

Section 8256, act Aug. 10, 1956, ch. 1041, 70A Stat. 504, set forth qualifications for and term of enlistments in Regular Air Force and 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

Members of Air Force serving under enlistments for unspecified periods on Jan. 2, 1968, continued in that status and discharged in accordance with laws applicable on Jan. 1, 1968, see section 3(c) of Pub. L. 90-235, set out as a note under section 3256 of this title.

§ 8257. Regular Air Force: aviation cadets; qualifications, grade, limitations

(a) The grade of aviation cadet is a special enlisted grade in the Regular Air Force.

(b) Any citizen of the United States may be enlisted as an aviation cadet, if he is otherwise qualified.

(c) Any enlisted member of the Regular Air Force who is otherwise qualified may be designated, with his consent, as an aviation cadet by the Secretary of the Air Force.

(d) Except in time of war or of emergency declared by Congress, at least 20 percent of the aviation cadets designated in each fiscal year shall be selected from members of the Regular Air Force or the Regular Army who are eligible and qualified. No person may be enlisted or designated as an aviation cadet unless—

- (1) he agrees in writing that, upon his successful completion of the course of training as an aviation cadet, he will accept a commission as second lieutenant in the Air Force Reserve, and will serve on active duty as such for a period of three years, unless sooner released; and
- (2) if under 21 years of age, he has the consent of his parent or guardian to his agreement.

(e) While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 504; Pub. L. 85-861, §33(a)(37), Sept. 2, 1958, 72 Stat. 1566; Pub. L. 96-513, title II, §237, Dec. 12, 1980, 94 Stat. 2887.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8257(a)	10:297a.	June 3, 1941, ch. 165, §§ 1, 3 (1st and 2d sentences), 55 Stat. 239.
8257(b)	10:299 (1st sentence, less last 19 words).	June 13, 1949, ch. 199, § 3, 63 Stat. 175.
8257(c)	10:291f-2 (less 1st 55 words of 1st proviso).	
	10:299 (last 19 words of 1st sentence).	
8257(d)	10:291f-2 (1st 55 words of 1st proviso).	
	10:299 (2d sentence).	

In subsection (b), the words “Under such regulations as the Secretary of the Army may prescribe” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

In subsection (c), the words “who is otherwise qualified” and “with his consent” are substituted for 10:291f-2 (less 1st 55 words of 1st proviso).

In subsection (d), the first sentence is substituted for 10:291f-2 (proviso). The words “after June 13, 1940” (the date of enactment of the source statute) are substituted for the word “hereafter”, in 10:291f-2. The words “after June 13, 1949”, in 10:291f-2, are omitted as executed. The first 17 words of the last sentence are substituted for 10:299 (1st 20 words of 2d sentence). Clause (2) is substituted for 10:299 (proviso of 2d sentence).

1958 ACT

The new subsection (e) is necessary to reflect the last 11 words of the second sentence of section 4 of the Army Aviation Cadet Act (formerly 10 U.S.C. 304), which were omitted from the original military codification act, the Act of August 10, 1956, chapter 1041, as part of the source law for section 20(b) of that Act (70A Stat. 627). See Senate Report No. 2484, 84th Congress, 2d Session, page 738. Since the source law did not permit the payment of a money allowance to an aviation cadet in place of the issuance of uniforms, clothing, and equipment, as may be done for enlisted members generally, it is necessary to restate this provision separately. See Opinion of the Deputy General Counsel, Department of Defense, May 29, 1957.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-513 substituted “Any citizen” for “Any male citizen”.

Subsec. (c). Pub. L. 96-513 substituted “Any enlisted member” for “Any male enlisted member”.

1958—Subsec. (e). Pub. L. 85-861 added subsec. (e).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 8258. Regular Air Force: reenlistment after service as an officer

(a) Any former enlisted member of the Regular Air Force who has served on active duty as an officer of the Air Force, or who was discharged as an enlisted member to accept an appointment

as an officer of the Air Force, is entitled to be reenlisted in the Regular Air Force 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 Air Force 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. 505; Pub. L. 85-603, §1(3), Aug. 8, 1958, 72 Stat. 526; Pub. L. 102-484, div. A, title V, §520(b), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 110-181, div. A, title V, §506(b), Jan. 28, 2008, 122 Stat. 96.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8258	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(b)(1), substituted “duty as an officer of the Air Force” for “duty as a reserve officer of the Air Force” and “an appointment” for “a temporary appointment”.

Subsec. (b)(1). Pub. L. 110-181, §506(b)(2)(A), substituted “an officer” for “a Reserve officer” in introductory provisions.

Subsec. (b)(2). Pub. L. 110-181, §506(b)(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 Air Force, be so reenlisted.”