

§ 8415. Reserve student aviation pilots; reserve aviation pilots: appointments in commissioned grade

(a) Under such regulations as the Secretary of the Navy prescribes, enlisted members of the Navy Reserve and the Marine Corps Reserve may be designated as student aviation pilots.

(b) A member who is not a qualified civilian aviator may not be designated as a student aviation pilot unless he agrees in writing, with the consent of his parent or guardian if he is a minor, to serve on active duty for a period of two years after successfully completing flight training, unless sooner released. Such a student aviation pilot may be released from active duty or discharged at any time by any administrative authority prescribed by the Secretary.

(c) If he is a qualified civilian aviator, a student aviation pilot may be given a brief refresher course in flight training.

(d) While he is in flight training, a student aviation pilot shall have uniforms and equipment issued to him at Government expense.

(e) Under regulations prescribed by the Secretary, a student aviation pilot of the Navy Reserve or the Marine Corps Reserve may be designated an aviation pilot upon successfully completing flight training.

(f) In time of peace, an aviation pilot who is obligated under subsection (b) to serve on active duty for a period of two years may serve, with his consent, for an additional period of not more than two years.

(g) An aviation pilot of the Navy Reserve or the Marine Corps Reserve may be released from active duty or discharged at any time by any administrative authority prescribed by the Secretary.

(h) An aviation pilot of the Navy Reserve or the Marine Corps Reserve may, if qualified under regulations prescribed by the Secretary, be appointed an ensign in the Navy Reserve or a second lieutenant in the Marine Corps Reserve, as appropriate.

(Aug. 10, 1956, ch. 1041, 70A Stat. 427, § 6915; Pub. L. 87-649, § 14c(51), Sept. 7, 1962, 76 Stat. 501; Pub. L. 96-513, title V, § 513(21), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 109-163, div. A, title V, § 515(b)(1)(P), Jan. 6, 2006, 119 Stat. 3233; renumbered § 8415, Pub. L. 115-232, div. A, title VIII, § 807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6915	34 U.S.C. 841a-841e.	Nov. 5, 1941, ch. 468, §§ 1-5, 55 Stat. 759.
	34 U.S.C. 841h.	Nov. 5, 1941, ch. 468, § 8; added Aug. 4, 1942, ch. 547, § 15(h), 56 Stat. 740.

In subsection (a) the authority to designate student aviation pilots is expressly set forth.

The portion of 34 U.S.C. 841h that provides that student aviation pilots who are qualified civilian aviators shall be given a brief refresher course in flight training is contained in subsection (c). The remainder of 34 U.S.C. 841h, which provides that such pilots shall not be considered as having been designated pursuant to 34 U.S.C. 841a-841h, is reflected in subsection (b) by making that subsection applicable only to student aviation pilots who are not qualified civilian aviators. No other consequences attach to designation as student aviation

pilots under the particular provisions. In subsection (b) the word “continuous” is omitted as covered by the word “period”, and the subsection is written as a condition precedent to designation, because it is so interpreted.

In subsection (c) the words “enlisted in or transferred to pilot ratings” are omitted as surplusage.

Subsection (e) states expressly the authority to designate aviation pilots, which is implied in 34 U.S.C. 841a, 841b, and 841d.

In subsection (f) the words “pay grade E-5” are substituted for the words “third grade” in 34 U.S.C. 841b to conform to the terminology of the Career Compensation Act of 1949 (37 U.S.C. 231 et seq.).

In subsection (h) the words “of the Naval Reserve or the Marine Corps Reserve” are substituted for the words “designated as such in accordance with sections 841a and 841b of this title” for uniformity.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6915 of this title as this section.

2006—Subsecs. (a), (e), (g), (h). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve” wherever appearing.

1980—Subsecs. (f) to (i). Pub. L. 96-513 redesignated subsecs. (g), (h), and (i) as (f), (g), and (h), respectively.

1962—Subsec. (f). Pub. L. 87-649 repealed subsec. (f) which provided that while on active duty, an aviation pilot of the Naval Reserve or the Marine Corps Reserve is entitled to the pay of an enlisted member in pay grade E-5 or that of his grade, whichever is greater. See section 201 of Title 37, Pay and Allowances of the Uniformed Services.

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 Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

CHAPTER 852—TRAINING GENERALLY

- Sec. 8431. Recruit basic training: separate housing for male and female recruits.
- 8432. Recruit basic training: privacy.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 807(e)(3), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 602 of this title as this chapter and items 6931 and 6932 as 8431 and 8432, respectively.

1998—Pub. L. 105-261, div. A, title V, § 522(b)(2), Oct. 17, 1998, 112 Stat. 2013, added item 6932.

ANNUAL CERTIFICATIONS RELATED TO READY, RELEVANT LEARNING INITIATIVE OF THE NAVY

Pub. L. 115-91, div. A, title V, § 545, Dec. 12, 2017, 131 Stat. 1396, provided that:

“(a) ANNUAL CERTIFICATIONS REQUIRED.—Not later than March 1, 2018, and each year thereafter, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification on the status of implementation of the Ready, Relevant Learning initiative of the Navy for each applicable enlisted rating.

“(b) ELEMENTS.—Each certification under subsection (a) shall include the following:

“(1) A certification by the Commander of the United States Fleet Forces Command that the block learning and modernized delivery methods of the Ready, Relevant Learning initiative to be implemented during the fiscal year beginning in which such certification is submitted will meet or exceed the existing training delivery approach for all associated training requirements.

“(2) A certification by the Secretary of the Navy that the content re-engineering necessary to meet all training objectives and transition from the traditional training curriculum to the modernized delivery format to be implemented during such fiscal year will be complete prior to such transition, including full functionality of all required course software and hardware.

“(3) A detailed cost estimate of transitioning to the block learning and modernized delivery approaches to be implemented during such fiscal year with funding listed by purpose, amount, appropriations account, budget program element or line item, and end strength adjustments.

“(4) A detailed phasing plan associated with transitioning to the block learning and modernized delivery approaches to be implemented during such fiscal year, including the current status, timing, and identification of reductions in ‘A’ school and ‘C’ school courses, curricula, funding, and personnel.

“(5) A certification by the Secretary of the Navy that—

“(A) the contracting strategy associated with transitioning to the modernized delivery approach to be implemented during such fiscal year has been completed; and

“(B) contracting actions contain sufficient specification detail to enable a low risk approach to receiving the deliverable end item or items on-budget, on-schedule, and with satisfactory performance.”

§ 8431. Recruit basic training; separate housing for male and female recruits

(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Navy shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

(b) ALTERNATIVE SEPARATE HOUSING.—If male recruits and female recruits cannot be housed as provided under subsection (a) by October 1, 2001, at a particular installation, the Secretary of the Navy shall require (on and after that date) that male recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for males and that female recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for females.

(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Navy shall ensure that the housing is to

be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

(d) BASIC TRAINING DEFINED.—In this section, the term “basic training” means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.

(Added Pub. L. 105-261, div. A, title V, § 521(b)(1), Oct. 17, 1998, 112 Stat. 2010, § 6931; renumbered § 8431, Pub. L. 115-232, div. A, title VIII, § 807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6931 of this title as this section.

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.

IMPLEMENTATION

Pub. L. 105-261, div. A, title V, § 521(b)(3), Oct. 17, 1998, 112 Stat. 2011, provided that: “The Secretary of the Navy shall implement section 6931 [now 8431] of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.”

§ 8432. Recruit basic training; privacy

The Secretary of the Navy shall require that access by recruit division commanders and other training personnel to a living area in which Navy recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit division commanders and other training personnel who are of the same sex as the recruits housed in that living area or to superiors in the chain of command of those recruits who, if not of the same sex as the recruits housed in that living area, are accompanied by a member (other than a recruit) who is of the same sex as the recruits housed in that living area.

(Added Pub. L. 105-261, div. A, title V, § 522(b)(1), Oct. 17, 1998, 112 Stat. 2012, § 6932; renumbered § 8432, Pub. L. 115-232, div. A, title VIII, § 807(c)(1), Aug. 13, 2018, 132 Stat. 1836.)

PRIOR PROVISIONS

Prior sections 8441 and 8442 were repealed by Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884, effective Sept. 15, 1981.

Section 8441, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, provided that temporary appointments be made only in the Air Force without specification of component.

Section 8442, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, provided that a regular commissioned officer, or a reserve commissioned officer who is serving on active duty, may be appointed, based upon ability and efficiency with regard being given to seniority and age, in a temporary grade that is equal to or higher than his regular or reserve grade, without vacating any other grade held by him. See section 601 of this title.

A prior section 8443, act Aug. 10, 1956, ch. 1041, 70A Stat. 522, related to grade of reserve commissioned officers ordered to active duty or serving on active duty,