

Subsecs. (d), (e). Pub. L. 85-861 redesignated subsecs. (d) and (e) as (b) and (c), 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 913—ENLISTMENTS

Sec.	
9131.	Definition.
9132.	Regular Air Force: gender-free basis for acceptance of original enlistments.
9137.	Regular Air Force: aviation cadets; qualifications, grade, limitations.
9138.	Regular Air Force: reenlistment after service as an officer.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §806(d)(3)(A), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 833 of this title as this chapter and items 8251, 8252, 8257, and 8258 as 9131, 9132, 9137, and 9138, respectively.

2006—Pub. L. 109-163, div. A, title V, §542(b)(2), Jan. 6, 2006, 119 Stat. 3253, struck out item 8253 “Air Force: persons not qualified”.

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(3), Oct. 5, 1994, 108 Stat. 3016, struck out items 8259 “Air Force Reserve: transfer from Air National Guard of United States”, 8260 “Air Force Reserve: transfer to upon withdrawal as member of Air National Guard”, and 8261 “Air National Guard of United States”.

1988—Pub. L. 100-456, div. A, title V, §522(a)(2), Sept. 29, 1988, 102 Stat. 1973, added item 8252.

1968—Pub. L. 90-235, §2(a)(4)(C), Jan. 2, 1968, 81 Stat. 756, struck out item 8252 “Temporary enlistments”, item 8254 “Air Force: during war or emergency”, item 8255 “Regular Air Force: recruiting campaigns”, item 8256 “Regular Air Force: qualifications, term, grade”, 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.

§ 9131. Definition

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 503, §8251; Pub. L. 100-180, div. A, title XII, §1231(19)(A), Dec. 4, 1987, 101 Stat. 1161; renumbered §9131, Pub. L. 115-232, div. A, title VIII, §806(b)(2), Aug. 13, 2018, 132 Stat. 1832.)

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

2018—Pub. L. 115-232 renumbered section 8251 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.

§ 9132. 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, §8252; amended Pub. L. 102-484, div. A, title X, §1052(40), Oct. 23, 1992, 106 Stat. 2501; renumbered §9132, Pub. L. 115-232, div. A, title VIII, §806(b)(2), Aug. 13, 2018, 132 Stat. 1832.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8252 of this title as this section.

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 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

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.”

§ 9137. 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, §8257; 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; renumbered §9137, Pub. L. 115-232, div. A, title VIII, §806(b)(2), Aug. 13, 2018, 132 Stat. 1832.)

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

2018—Pub. L. 115-232 renumbered section 8257 of this title as this section.

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 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, 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.

§9138. 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, §8258; 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; renumbered §9138, Pub. L. 115-232, div. A, title VIII, §806(b)(2), Aug. 13, 2018, 132 Stat. 1832.)

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