

(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

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 8258 of this title as this section.

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.”

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 Air Force, 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

Amendment by Pub. L. 102-484 applicable to persons discharged or released from active duty as commissioned officers in the Air Force Reserve after Oct. 23, 1992, see section 520(c) of Pub. L. 102-484, set out as a note under section 3258 of this title.

**CHAPTER 915—APPOINTMENTS IN THE REGULAR AIR FORCE**

Sec.	
9151.	Commissioned officer grades.
9160.	Warrant officers: original appointment; qualifications.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §806(d)(3)(A), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 835 of this title as this chapter and items 8281 and 8310 as 9151 and 9160, respectively.

1980—Pub. L. 96-513, title V, §504(10), Dec. 12, 1980, 94 Stat. 2916, struck out items 8284 “Commissioned officers: appointment, how made”, 8285 “Commissioned officers: original appointment; qualifications”, 8286 “Commissioned officers: original appointment; age limitations”, 8287 “Commissioned officers: original appointment; service credit”, 8288 “Commissioned officers: original appointment; determination of grade”, 8289 “Commissioned officers: medical officers; original appointment; professional examination”, 8293 “Commissioned officers; chaplains: original appointment; examination”, 8294 “Commissioned officers: medical and dental officers: original appointment”, 8295 “Commissioned officers: original appointment; determination of place on promotion list”, 8296 “Promotion lists: promotion-list officer defined; determination of place upon

transfer or promotion”, 8297 “Selection boards”, 8298 “Commissioned officers: promotion to first lieutenant; effect of failure of promotion”, 8299 “Commissioned officers: promotion to captain, major, or lieutenant colonel”, 8300 “Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure”, 8301 “Commissioned officers: promotion to captain, major, or lieutenant colonel; officers with special qualifications”, 8302 “Commissioned officers: medical, dental, and veterinary officers: promotion to captain, major, or lieutenant colonel; professional examination”, 8303 “Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel”, 8305 “Commissioned officers: promotion to colonel”, 8306 “Commissioned officers: promotion to brigadier general”, 8307 “Commissioned officers: promotion to major general”, 8308 “Commissioned officers: effect of removal from recommended list by President or failure of confirmation by Senate”, 8309 “Commissioned officers: physical examination for promotion”, 8312 “Officers: acceptance of promotion”, 8313 “Suspension of laws for promotion or mandatory retirement or separation during war or emergency”, and 8314 “Commissioned officers: promotion not be to delayed by another appointment”.

1958—Pub. L. 85-861, §1(177)(B), 33(a)(38), Sept. 2, 1958, 72 Stat. 1520, 1566, substituted “officers” for “Officers” in item 8309, and added item 8314.

1957—Pub. L. 85-155, title III, §301(15), Aug. 21, 1957, 71 Stat. 388, struck out items 8291 “Commissioned officers; Air Force nurses and women medical specialists: original appointment; additional qualifications, grade” and 8304 “Commissioned officers; Air Force nurses and women medical specialists: promotion to first lieutenant, captain, major, lieutenant colonel, or colonel”.

**§9151. Commissioned officer grades**

The commissioned grades in the Regular Air Force are:

- (1) Major general.
- (2) Brigadier general.
- (3) Colonel.
- (4) Lieutenant colonel.
- (5) Major.
- (6) Captain.
- (7) First lieutenant.
- (8) Second lieutenant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 507, §2881; renumbered §9151, Pub. L. 115-232, div. A, title VIII, §806(b)(3), Aug. 13, 2018, 132 Stat. 1832.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8281 .....	10:506(a) (last 24 words).	Aug. 7, 1947, ch. 512, § 502(a) (last 24 words), 61 Stat. 884.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8281 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.

**§9160. Warrant officers: original appointment; qualifications**

Original appointments as warrant officers in the Regular Air Force shall be made from persons who have served on active duty at least one year in the Air Force.