

CHAPTER 851—OFFICER PROCUREMENT PROGRAMS

- Sec.
8411. Aviation cadets: grade; procurement; transfer.
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AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(3), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 601 of this title as this chapter and items 6911 to 6913 and 6915 as 8411 to 8413 and 8415, respectively.

1980—Pub. L. 96-513, title V, §503(52), Dec. 12, 1980, 94 Stat. 2915, struck out items 6909 “Direct procurement: qualifications; retention or transfer to Reserve” and 6914 “Reserve naval aviators: appointment in Regular Navy and Regular Marine Corps; eligibility; grade; rank”.

1964—Pub. L. 88-647, title III, §301(18), Oct. 13, 1964, 78 Stat. 1072, struck out items 6901 “Naval Reserve Officers’ Training Corps: administration”, 6902 “Transfer of graduates of Naval Reserve Officers’ Training Corps to Regular Navy”, 6903 “Officer candidate training program: administration; qualifications for enrollment”, 6904 “Officer candidate training program: members enrolled from Naval Reserve Officers’ Training Corps; appointment as midshipmen; pay; allowances; commissioning”, 6905 “Officer candidate training program: members enrolled as naval aviation officer candidates; instruction; pay; allowances”, 6906 “Officer candidate training program: naval aviation candidates; appointment as midshipmen; flight training; appointment as ensigns”, 6908 “Officer candidate training program: naval aviators; retention or transfer to Reserve”, 6910 “Payment of expenses”.

1961—Pub. L. 87-100, §1(2), July 21, 1961, 75 Stat. 218, struck out item 6907 “Officer candidate training program: officers other than naval aviators; retention or transfer to Reserve”.

1958—Pub. L. 85-861, §1(147)(B), Sept. 2, 1958, 72 Stat. 1513, substituted “benefits” for “pay and allowances” in item 6912.

§ 8411. Aviation cadets: grade; procurement; transfer

(a) The grade of aviation cadet is a special enlisted grade in the naval service. Under such regulations as the Secretary of the Navy prescribes, citizens in civil life may be enlisted as, and enlisted members of the naval service with their consent may be designated as, aviation cadets.

(b) Except in time of war or emergency declared by Congress, 20 percent of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Regular Navy and the Regular Marine Corps.

(c) 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 aviator in the Navy Reserve or a second lieutenant in the Marine Corps Reserve, and will serve on active duty as such for at least 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.

(d) Under such regulations as the Secretary prescribes, an aviation cadet may be transferred

to another enlisted grade or rating in the naval service, released from active duty, or discharged.

(Aug. 10, 1956, ch. 1041, 70A Stat. 426, §6911; Pub. L. 85-578, July 31, 1958, 72 Stat. 456; Pub. L. 96-513, title III, §373(f), Dec. 12, 1980, 94 Stat. 2903; Pub. L. 109-163, div. A, title V, §515(b)(1)(N), Jan. 6, 2006, 119 Stat. 3233; renumbered §8411, 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)
6911(a), (c), (d), 6911(b)	34 U.S.C. 850a, 850b.	Aug. 4, 1942, ch. 547, §§2, 3, 56 Stat. 737.
	34 U.S.C. 735b.	June 13, 1949, ch. 199, §3, 63 Stat. 175.

In subsection (a) the words “in civil life” are added to indicate that regular enlisted members, to be eligible, must be discharged as is required by subsection (b).

In subsection (b) the words before the first proviso are omitted as executed. The words “after June 13, 1949” in the first proviso, relating to a declaration of emergency by Congress, are omitted as executed. The emergencies existing on June 13, 1949, have expired, as indicated in the Act of July 3, 1952, ch. 570, 66 Stat. 333. The word “Regular” is inserted before “Navy” and “Marine Corps” to preserve the meaning of this provision which distinguishes members of the reserve components from members of the Navy and the Marine Corps. The words “who are discharged for the purpose of enlisting as aviation cadets” are added. Since discharge from a regular component must precede enlistment in a reserve component, the designation language of 34 U.S.C. 735b, although appropriate to the Air Force counterpart to which it also applies, is inappropriate to this section.

Subsection (c) is written as a condition precedent to enlistment or transfer, and not as a requirement, to conform with interpretation of the provision.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6911 of this title as this section.

2006—Subsec. (c)(1). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

1980—Subsec. (a). Pub. L. 96-513 struck out “male” before “citizens” and “enlisted”.

1958—Subsec. (a). Pub. L. 85-578 substituted “naval service” for “Naval Reserve and the Marine Corps Reserve”, made changes in phraseology including the substitution of “designated” for “transferred”, and specified consent as requisite for designation as aviation cadet.

Subsec. (b). Pub. L. 85-578 struck out “at least” before “20 percent” and “who, with their consent, are discharged for the purpose of enlisting as aviation cadets” after “Regular Marine Corps”.

Subsec. (c). Pub. L. 85-578 designated existing provisions as cls. (1) and (2), made phraseological changes including the substitution of “designated” for “transferred”, and prescribed consent for one under 21 years of age instead of one described as minor and active duty service with commissioned status for minimum three year period instead of maximum four year period and unspecified grade.

Subsec. (d). Pub. L. 85-578 substituted “naval service” for “Naval Reserve or the Marine Corps Reserve” and struck out “as appropriate” after such term.

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.