

AMENDMENTS

2021—Pub. L. 116-283, div. A, title IX, §923(d)(1)(D), (2)(C), Jan. 1, 2021, 134 Stat. 3813, 3814, added items 9401 and 9402 and struck out former items 9401 “Members of Air Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals” and 9402 “Enlisted members of Air Force: schools”.

2018—Pub. L. 115-232, div. A, title VIII, §806(d)(2), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 901 of this title as this chapter and items 9301 to 9306, 9314, 9314a, 9314b, 9315, 9317, 9319, and 9320 as 9401 to 9406, 9414, 9414a, 9414b, 9415, 9417, 9419, and 9420, respectively.

2017—Pub. L. 115-91, div. A, title V, §581(d)(2), Dec. 12, 2017, 131 Stat. 1415, added item 9314a and struck out former item 9314a “United States Air Force Institute of Technology: admission of defense industry civilians”.

2011—Pub. L. 112-81, div. A, title V, §554(b), Dec. 31, 2011, 125 Stat. 1415, added item 9314b.

Pub. L. 111-383, div. A, title V, §593(b), Jan. 7, 2011, 124 Stat. 4234, added item 9314a.

2008—Pub. L. 110-417, [div. A], title III, §353(b), title V, §543(h)(2), (i)(2), Oct. 14, 2008, 122 Stat. 4425, 4464, 4465, added items 9314 and 9317 and struck out former items 9314 “United States Air Force Institute of Technology”, 9316 “Training and support for A-10 aircraft”, and 9317 “Air University: conferral of degrees”.

2004—Pub. L. 108-375, div. A, title V, §556(c)(2), Oct. 28, 2004, 118 Stat. 1915, substituted “conferral of degrees” for “graduate-level degrees” in item 9317.

1999—Pub. L. 106-65, div. A, title V, §543(b)(2), Oct. 5, 1999, 113 Stat. 607, substituted “graduate-level degrees” for “master of airpower art and science” in item 9317.

1998—Pub. L. 105-261, div. A, title V, §521(c)(2), 522(c)(2), Oct. 17, 1998, 112 Stat. 2012, 2013, added items 9319 and 9320.

1994—Pub. L. 103-337, div. A, title IX, §913(a)(2), Oct. 5, 1994, 108 Stat. 2828, added item 9317.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(25), Dec. 5, 1991, 105 Stat. 1474, struck out section symbol before “9316” in item 9316.

1990—Pub. L. 101-510, div. A, title XIV, §1439(d), Nov. 5, 1990, 104 Stat. 1689, added item 9316.

1985—Pub. L. 99-145, title V, §504(a)(2)(B), Nov. 8, 1985, 99 Stat. 622, struck out “: degrees” after “Technology” in item 9314.

1976—Pub. L. 94-361, title VI, §602, July 14, 1976, 90 Stat. 928, added item 9315.

§ 9401. Members of Air Force and Space Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals

(a) The Secretary of the Air Force may detail members of the Air Force and members of the Space Force as students at such technical, professional, and other civilian educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places, as are best suited to enable them to acquire knowledge or experience in the specialties in which it is considered necessary that they perfect themselves.

(b) An officer, other than one of the Regular Air Force or the Regular Space Force on the active-duty list, who is detailed under subsection (a) shall be ordered to additional active duty immediately upon termination of the detail, for a period at least as long as the detail. However, if the detail is for 90 days or less, the officer may be ordered to that additional duty only with his consent and in the discretion of the Secretary.

(c) No Reserve of the Air Force or Reserve of the Space Force may be detailed as a student, observer, or investigator, or ordered to active duty under this section, without the Reserve’s

consent and, if a member of the Air National Guard of the United States, without the approval of the governor or other appropriate authority of the State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands of whose Air National Guard the Reserve is a member.

(d) The Secretary may require, as a condition of a detail under subsection (a), that an enlisted member accept a discharge and be reenlisted in his component for at least three years.

(e) The total length of details of an enlisted member of the Air Force or the Space Force under subsection (a) during one enlistment period may not exceed 50 percent of that enlistment.

(f) At no time may more than 8 percent of the authorized strength in commissioned officers, 8 percent of the authorized strength in warrant officers, or 2 percent of the authorized strength in enlisted members, of the Regular Air Force or the Regular Space Force, or more than 8 percent of the actual strength in commissioned officers, 8 percent of the actual strength in warrant officers, or 2 percent of the actual strength in enlisted members, of the total of reserve components of the Air Force or the Space Force Reserve, be detailed as students under subsection (a). For the purposes of this subsection, the actual strength of each category of Reserves includes both members on active duty and those not on active duty.

(g) Expenses incident to the detail of members under this section shall be paid from any funds appropriated for the Department of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 559, §9301; Pub. L. 93-169, Nov. 29, 1973, 87 Stat. 689; Pub. L. 96-513, title V, §504(23), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title X, §1057(a)(9), Jan. 6, 2006, 119 Stat. 3441; renumbered §9401, Pub. L. 115-232, div. A, title VIII, §806(a)(3), Aug. 13, 2018, 132 Stat. 1832; Pub. L. 116-283, div. A, title IX, §923(d)(1)(A)–(C), Jan. 1, 2021, 134 Stat. 3813.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9301(a)	5:626q (1st 78 words).	June 3, 1916, ch. 134, §127a (13th par.); added
9301(b)	5:626q (less 1st 78 words, and less provisos).	June 4, 1920, ch. 227, subch. I, §51 (13th par.); restated June 8, 1926, ch. 495; May 13, 1941, ch. 113; June 30, 1941, ch. 262 (4th proviso under “Finance Department”); restated June 19, 1948, ch. 501, §1, 62 Stat. 477.
9301(c)	5:626q (1st proviso).	June 19, 1948, ch. 501, §2, 3, 62 Stat. 478.
9301(d)	5:626q (words of 2d proviso before semicolon).	
9301(e)	5:626q (words of 2d proviso after semicolon).	
9301(f)	5:626q (last proviso).	
9301(g)	5:626r.	

In subsection (a), the words “members of the Air Force” are substituted for the words “personnel of the Air Force of the United States, without regard to component”.

In subsection (b), the words “is detailed under subsection (a)” are substituted for the words “receives such instruction”. The words “as long as the detail” are substituted for the words “equal to the duration of his period of instruction”. The words “However, if the detail is for” are substituted for the words “except that where the duration of such training is”. The words

“other than one of the Regular Air Force on the active list” are inserted, since members of the Regular Air Force on the active list are on continuous active duty. The word “additional” is inserted, since the detail under this section is active duty. The words “the officer may be ordered to that additional duty” are substituted for the words “such subsequent active duty may * * * the officer concerned”.

In subsection (c), the words “of whose Air National Guard he is a member” are substituted for the words “whichever is concerned”.

In subsection (d), the words “as a condition of a detail under subsection (a)” are substituted for the words “prior to his detail pursuant to the provisions of this paragraph”. The words “accept the discharge” are substituted for the words “be discharged”.

In subsection (e), the words “during an enlistment” are inserted for clarity.

In subsection (f), the last sentence is substituted for 5:626q (words within parentheses of last proviso).

In subsection (g), the words “under this section” are substituted for 5:626r (9th through 41st words).

AMENDMENTS

2021—Pub. L. 116-283, §923(d)(1)(C), substituted “Members of Air Force and Space Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals” for “Members of Air Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals” in section catchline.

Subsec. (a). Pub. L. 116-283, §923(d)(1)(A)(i), inserted “and members of the Space Force” after “members of the Air Force”.

Subsec. (b). Pub. L. 116-283, §923(d)(1)(A)(ii), inserted “or the Regular Space Force” after “Regular Air Force”.

Subsec. (c). Pub. L. 116-283, §923(d)(1)(A)(iii), (B), inserted “or Reserve of the Space Force” after “Reserve of the Air Force” and substituted “the Reserve’s” for “his” and “the Reserve” for “he”.

Subsec. (e). Pub. L. 116-283, §923(d)(1)(A)(iv), inserted “or the Space Force” after “Air Force”.

Subsec. (f). Pub. L. 116-283, §923(d)(1)(A)(v)(II), which directed amendment by inserting “or the Space Force Reserve” after “the reserve components of the Air Force”, was executed by making the insertion after “the total of reserve components of the Air Force” to reflect the probable intent of Congress.

Pub. L. 116-283, §923(d)(1)(A)(v)(I), inserted “or the Regular Space Force” after “Regular Air Force”.

2018—Pub. L. 115-232 renumbered section 9301 of this title as this section.

2006—Subsec. (c). Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, or the District of Columbia”.

1988—Subsec. (c). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico.”

1980—Subsec. (b). Pub. L. 96-513 substituted “active-duty list” for “active list”.

1973—Subsec. (b). Pub. L. 93-169 struck out provisions which limited to four years the maximum period for which an officer detailed for additional active duty upon termination of detail is required to serve.

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.

§ 9402. Enlisted members Air Force or Space Force: schools

(a) So far as consistent with the requirements of military training and service, and under regulations to be prescribed by the Secretary of the Air Force with the approval of the President, enlisted members of the Air Force and enlisted members of the Space Force shall be permitted to study and receive instruction to increase their military efficiency and to enable them to return to civilian life better equipped for industrial, commercial, and business occupations. Part of this instruction may be vocational education in agriculture or the mechanic arts. Civilian teachers may be employed to aid Air Force officers and Space Force officers in this instruction.

(b) Schools for the instruction of enlisted members of the Air Force or the Space Force in the common branches of education, including United States history, shall be maintained at all air bases at which members of the Air Force or the Space Force are stationed. The Secretary may detail members of the Air Force or the Space Force to carry out this subsection. The commander of each air base where schools are maintained under this subsection shall provide a suitable room or building for school and religious purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560, §9302; renumbered §9402, Pub. L. 115-232, div. A, title VIII, §806(a)(3), Aug. 13, 1918, 132 Stat. 1832; amended Pub. L. 116-283, div. A, title IX, §923(d)(2)(A), (B), Jan. 1, 2021, 134 Stat. 3813, 3814.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9302(a)	10:1176.	June 3, 1916, ch. 134, §27
9302(b)	10:1172.	(last par.), 39 Stat. 186, R.S. 1231.

In subsection (a), the first 12 words are substituted for 10:1176 (1st 5, and last 18, words). The words “and the Secretary of the Army shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered” are omitted as surplusage.

In subsection (b), the words “garrisons, and permanent camps” are omitted as covered by the word “posts”. The word “including” is substituted for the words “and especially in”. The word “members” is substituted for the words “officers and enlisted men”. The words “as may be necessary”, “It * * * be the duty”, and “or garrison” are omitted as surplusage.

AMENDMENTS

2021—Pub. L. 116-283, §923(d)(2)(B), amended section catchline generally. Prior to amendment, catchline read as follows: “Enlisted members of Air Force: schools”.

Subsec. (a). Pub. L. 116-283, §923(d)(2)(A)(i), inserted “and enlisted members of the Space Force” after “members of the Air Force” and “and Space Force officers” after “Air Force officers”.

Subsec. (b). Pub. L. 116-283, §923(d)(2)(A)(ii), inserted “or the Space Force” after “Air Force” wherever appearing.

2018—Pub. L. 115-232 renumbered section 9302 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