

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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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 and Space Force: reenlistment after service as an officer

(a) Any former enlisted member of the Regular Air Force or the Space Force who has served on active duty as an officer of the Air Force or the Space Force, or who was discharged as an enlisted member to accept an appointment as an officer of the Air Force or the Space Force, is entitled to be reenlisted in the Regular Air Force or the Space 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 dishonor-