

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); restated 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

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.

CROSS REFERENCES

Service by enlisted member as an officer counted as enlisted service, see section 8684 of this title.

§ 8259. Air Force Reserve: transfer from Air National Guard of United States.

Under such regulations as the Secretary of the Air Force may prescribe, and with the consent of the governor or other appropriate authority of the State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, whichever is concerned, an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve. Upon transfer, he is eligible for promotion to the highest regular or reserve grade ever held by him in the Air Force, if his service has been honorable. (Aug. 10, 1956, ch. 1041, 70A Stat. 505.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
8259.....	50: 1116 (less last 15 words of 1st sentence, as applicable to enlistments).	July 9, 1952, ch. 608, § 706 (less last 15 words of 1st sentence, as applicable to enlistments), 66 Stat. 503.

The words "at any time", in 50: 1116 (1st sentence), and "of any person" and "from the National Guard of the United States or from the Air National Guard of the United States", in 50: 1116 (2d sentence), are omitted as surplusage. The words "highest regular or reserve grade ever held by him in the Air Force" are substituted for the words "Highest permanent grade previously held in \* \* \* the Air Force or any component thereof", since "permanent" grades are held only as a Regular or Reserve and there are no "non-permanent" grades held in a component.

CROSS REFERENCES

Regulations to carry out this section, see section 280 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 280 of this title; title 32 section 323.

§ 8260. Air Force Reserve: transfer to upon withdrawal as member of Air National Guard.

Unless discharged from his enlistment as a Reserve, an enlisted member of the Air National Guard

of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve. An enlisted member who so becomes a member of the Air Force Reserve ceases to be a member of the Air National Guard of the United States. (Aug. 10, 1956, ch. 1041, 70A Stat. 505.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
8260.....	50: 1117 (as applicable to enlistments).	July 9, 1952, ch. 608, § 707 (as applicable to enlistments), 66 Stat. 503.

The words "enlistment as a Reserve" are substituted for the words "enlistment as a \* \* \* Reserve enlisted member".

CROSS REFERENCES

Regulations to carry out this section, see section 280 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 280 of this title.

§ 8261. Air National Guard of United States.

(a) Except as provided in subsection (c), to become an enlisted member of the Air National Guard of the United States, a person must—

- (1) be enlisted in the Air National Guard;
- (2) subscribe to the oath set forth in section 304 of title 32; and

- (3) be a member of a federally recognized unit or organization of the Air National Guard in the grade in which he is to be enlisted as a Reserve.

(b) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists or reenlists in the Air National Guard, or whose term of enlistment or reenlistment in the Air National Guard is extended, shall be concurrently enlisted or reenlisted, or his term of enlistment or reenlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

(c) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization thereof, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve. (Aug. 10, 1956, ch. 1041, 70A Stat. 505; Oct. 4, 1961, Pub. L. 87-378, § 4, 75 Stat. 808.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
8261 (a).....	50: 952 (proviso).	July 9, 1952, ch. 608, §§ 228 (proviso), 705 (less (a)), 66 Stat. 488, 503.
8261 (b).....	50: 1115 (less (a)).	

In subsection (a), the words "To become an enlisted member of \* \* \* a person must" are substituted for the words "That no person shall become an enlisted member \* \* \* hereunder, unless he first". The words "in the grade in which he is to be enlisted as a Reserve" are substituted for the words "in the same grade" for clarity.

In subsections (a) and (b), the word "duly" is omitted as surplusage.

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-378, § 4(1), substituted "subsection (c)" for "subsection (b)."  
Subsec. (b). Pub. L. 87-378, § 4(2), added subsec. (b) and redesignated former subsec. (b) as (c).