

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8929 .....	[No source].	[No source].

The revised section is based on the various retirement provisions in this chapter and is inserted to make explicit the entitlement to retired pay upon retirement.

**CHAPTER 869—RETIRED GRADE**

Sec.	
8961.	General rule.
8962.	Higher grade for service in special positions.
8963.	Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.
8964.	Higher grade after 30 years of service: warrant officers and enlisted members.
8965.	Restoration to former grade: retired warrant officers and enlisted members.
8966.	Retired lists.

## AMENDMENTS

1996—Pub. L. 104-201, div. A, title V, §532(c)(2), Sept. 23, 1996, 110 Stat. 2520, added item 8963.

1988—Pub. L. 100-456, div. A, title XII, §1233(i)(2)(B), Sept. 29, 1988, 102 Stat. 2058, substituted “retired” for “Regular Air Force” in item 8965.

1987—Pub. L. 100-180, div. A, title V, §512(e)(3), Dec. 4, 1987, 101 Stat. 1091, substituted “warrant officers and enlisted members” for “Air Force warrant officers; regular enlisted members” in item 8964.

1985—Pub. L. 99-145, title XIII, §1301(d)(2)(B), Nov. 8, 1985, 99 Stat. 736, struck out item 8963 “Higher grade for service during certain periods: regular and reserve commissioned officers”.

1980—Pub. L. 96-343, §13(b)(3), Sept. 8, 1980, 94 Stat. 1131, substituted “positions” for “positions: regular commissioned officers” in item 8962.

**§ 8961. General rule**

(a) The retired grade of a regular commissioned officer of the Air Force who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Air Force who retires other than for physical disability, is determined under section 1370 of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Pub. L. 96-513, title V, §504(19), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 103-337, div. A, title XVI, §1674(c)(2), Oct. 5, 1994, 108 Stat. 3016; Pub. L. 106-398, §1 [[div. A], title V, §506(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-102.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8961 .....	10:941a(a)(3) (31st through 42d words; and proviso, as applicable to retired grade). 10:941a(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade). 10:947a (last 11 words).	Aug. 7, 1947, ch. 512, §§514(a)(3) (31st through 42d words; and proviso, as applicable to retired grade), 514(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade), 61 Stat. 902, 905.

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
	10:1025.	Feb. 14, 1885, ch. 67 (43d through 53d words); re-stated Sept. 30, 1890, ch. 1125 (43d through 53d words), 26 Stat. 504, R.S. 1254.

The applicability of the rule stated in the revised section to situations not expressly covered by the laws named in the source credits above is necessarily implied from laws providing for retirement in higher grade in those situations.

## AMENDMENTS

2000—Subsec. (a). Pub. L. 106-398 struck out “or for nonregular service under chapter 1223 of this title” before “, is determined”.

1994—Subsec. (a). Pub. L. 103-337 substituted “chapter 1223” for “chapter 67”.

1980—Pub. L. 96-513 added subsec. (a), designated existing provisions as subsec. (b), and inserted “not covered by subsection (a)” after “a Regular or Reserve of the Air Force”.

## EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 applicable to Reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion by a board convened under chapter 36 or 1403 of this title, or having been found qualified for Federal recognition in a higher grade under chapter 3 of Title 32, National Guard, after Oct. 1, 1996, see section 1 [[div. A], title V, §506(c)] of Pub. L. 106-398, set out as a note under section 3961 of this title.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 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.

**§ 8962. Higher grade for service in special positions**

Upon retirement, any permanent professor of the United States Air Force Academy whose grade is below brigadier general, and whose service as such a professor has been long and distinguished, may, in the discretion of the President, be retired in the grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Pub. L. 85-861, §1(197), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 89-288, §6, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 96-343, §13(b)(1), (2), Sept. 8, 1980, 94 Stat. 1131; Pub. L. 96-513, title V, §504(20), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 104-106, div. A, title V, §502(c), (d)(1), Feb. 10, 1996, 110 Stat. 293.)

## HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8962(a) .....	10:506b(d) (less 1st and last provisos).	Aug. 7, 1947, ch. 512, §§504(d) (less 1st and last provisos), 520(b) (less proviso), 61 Stat. 888, 912.
8962(b) .....	5:627b(h) (1st 42 words of 3d proviso).	June 12, 1948, ch. 449, §303(h) (1st 42 words of 3d proviso), 62 Stat. 372.
8962(c) .....	10:1079a(b) (less proviso).	