

3911, 3918, or 3924 of this title, his years of service are computed by adding to his service under subsection (a) all service as a contract dental surgeon or acting dental surgeon.

(d) For the purpose of determining whether a commissioned officer of the Army Nurse Corps or the Army Medical Specialist Corps may be retired under section 3911 of this title, all service computed under section 3683<sup>1</sup> of this title shall be treated as if it were service as a commissioned officer.

(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 228; Pub. L. 86-197, §1(5), Aug. 25, 1959, 73 Stat. 426; Pub. L. 104-106, div. A, title V, §561(d)(2)(B), Feb. 10, 1996, 110 Stat. 322.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3926(a) .....	10:951 (less applicability to 10:166g(a)). 10:951a. 10:951b (less applicability to 10:166g(a)). [Uncodified: June 18, 1878, ch. 263, §7 (less applicability to 10:166g(a)), 20 Stat. 150].	June 3, 1916, ch. 134, §127a (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended); added June 4, 1920, ch. 227, subch. I, §51 (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 41 Stat. 785. May 23, 1928, ch. 716, 45 Stat. 720. June 15, 1935, ch. 257 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 49 Stat. 377. June 18, 1878, ch. 263, §7 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 20 Stat. 150. May 29, 1928, ch. 902, 45 Stat. 996; Jan. 29, 1938, ch. 12, §2, 52 Stat. 8.
3926(b) .....	10:953a (1st sentence).	
3926(c) .....	10:953a (less 1st sentence).	

Subsection (a) consolidates the various service computation provisions applicable to voluntary retirement of commissioned officers. Clause (1) is substituted for 10:951. Clause (2) is substituted for 10:951b. The words "pay period and", in 10:951a, are omitted as superseded by section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233). The words "longevity pay and", in section 7 of the act of June 18, 1878, ch. 263, 20 Stat. 150, are omitted for the same reason. The last sentence of section 7 of that act is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the act of June 29, 1948, ch. 708, 62 Stat. 1084. Clause (3) is inserted, since a person entitled to count service under section 3683 of this title might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

In subsection (b), the words "as a member of the Medical Reserve Corps", in 10:953a, are omitted as covered by subsection (a)(1). The words "are computed by adding to his service under subsection (a)" are substituted for the words "shall be credited to the same extent as service under a Regular Army commission".

Subsection (c) is substituted for 10:953a (less 1st sentence).

REFERENCES IN TEXT

Section 3683 of this title, referred to in subsecs. (a)(3) and (d), was repealed (subject to a savings clause) by Pub. L. 99-145, title XIII, §1301(b)(1)(A), (C), Nov. 8, 1985, 99 Stat. 735.

AMENDMENTS

- 1996—Subsec. (e). Pub. L. 104-106 added subsec. (e).
- 1959—Subsec. (d). Pub. L. 86-197 added subsec. (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104-106, set out as a note under section 972 of this title.

**[§ 3927. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 228; Aug. 21, 1957, Pub. L. 85-155, title I, §101(22), 71 Stat. 380; May 20, 1958, Pub. L. 85-422, §11(a)(4), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85-861, §1(98), 72 Stat. 1488, related to computation of years of service for determining whether a regular commissioned officer should be retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title and for determining the retired pay of officers of the Regular Army retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title. See section 1405 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[§ 3928. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 229, related to computation of years of service of commissioned officers of the Army Nurse Corps or Women's Medical Specialist Corps for the purposes of retirement under former section 3912 of this title, or retirement pay under section 3991 of this title.

**§ 3929. Computation of retired pay: law applicable**

A member of the Army retired under this chapter is entitled to retired pay computed under chapter 371 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 230.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3929 .....	[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 369—RETIRED GRADE**

- Sec. 3961. General rule.
- 3962. Higher grade for service in special positions.
- 3963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.
- 3964. Higher grade after 30 years of service: warrant officers and enlisted members.
- 3965. Restoration to former grade: retired warrant officers and enlisted members.
- 3966. Retired lists.

AMENDMENTS

- 1996—Pub. L. 104-201, div. A, title V, §532(a)(2), Sept. 23, 1996, 110 Stat. 2518, added item 3963.
- 1988—Pub. L. 100-456, div. A, title XII, §1233(i)(1)(B), Sept. 29, 1988, 102 Stat. 2058, substituted "retired" for "regular" in item 3965.

1987—Pub. L. 100-180, div. A, title V, §512(e)(1), Dec. 4, 1987, 101 Stat. 1091, substituted “warrant officers and enlisted members” for “Army warrant officers; regular enlisted members” in item 3964.

1985—Pub. L. 99-145, title XIII, §1301(b)(2)(B), Nov. 8, 1985, 99 Stat. 735, struck out item 3963 “Higher grade for service during certain periods: regular and reserve commissioned officers”.

1980—Pub. L. 96-343, §13(a)(4), Sept. 8, 1980, 94 Stat. 1131, substituted “positions” for “positions: regular commissioned officers” in item 3962.

**§ 3961. General rule**

(a) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Army 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 Army 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. 230; Pub. L. 96-513, title V, §502(18), Dec. 12, 1980, 94 Stat. 2910; Pub. L. 103-337, div. A, title XVI, §1672(c)(2), Oct. 5, 1994, 108 Stat. 3015; Pub. L. 106-398, §1 [[div. A], title V, §506(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-102.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3961 .....	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). 10:1025. 10:1026 (proviso).	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. 893, 902. Feb. 14, 1885, ch. 67 (43d through 53d words); restated Sept. 30, 1890, ch. 1125 (43d through 53d words), 26 Stat. 504, R.S. 1254. June 3, 1916, ch. 134, §4c (proviso); added June 29, 1945, ch. 197 (proviso); restated Aug. 7, 1947, ch. 512, §513(c) (proviso), 61 Stat. 902.

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 “Regular or Reserve of the Army”.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title V, §506(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-102, provided that: “The amendments made by subsections (a) and (b) [amending

this section and section 8961 of this title] shall apply 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 title 10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 1, 1996.”

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.

**§ 3962. Higher grade for service in special positions**

Upon retirement, any permanent professor of the United States Military 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. 230; Pub. L. 85-861, §1(99), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 89-288, §2, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 96-343, §13(a)(1)-(3), Sept. 8, 1980, 94 Stat. 1131; Pub. L. 96-513, title V, §502(19), Dec. 12, 1980, 94 Stat. 2910; Pub. L. 97-22, §10(a)(2)(B), July 10, 1981, 95 Stat. 136; 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)
3962(a) .....	10:506b(d) (less 1st and last provisos).	Aug. 4, 1947, ch. 459, §102(c) (1st 6, and 9th through 43d, words), 61 Stat. 735.
3962(b) .....	10:156c (1st 6, and 9th through 43d, words). 10:1026 (less 24 words before proviso, and less proviso).	June 3, 1916, ch. 134, §4c (less 24 words before proviso, and less proviso); added June 4, 1920, ch. 227, §4 (less last 18 words of 4th sentence of 7th par.); June 6, 1924, ch. 275, §2; July 2, 1926, ch. 721, §7; Apr. 22, 1938, ch. 167; May 12, 1939, ch. 127 (less 75th through 91st words); Oct. 14, 1940, ch. 858, §1 (less last 26 words); restated June 29, 1945, ch. 197 (less 24 words before proviso, and less proviso); restated Aug. 7, 1947, ch. 512, §513(c) (less 24 words before proviso, and less proviso), 61 Stat. 902.
3962(c) .....	10:166g(b) (1st 5, and 8th through 76th, words; and proviso). 10:316b(b) (1st 6, and 9th through 54th, words).	Aug. 7, 1947, ch. 512, §§504(d) (less 1st and last provisos), 520(b) (less proviso), 61 Stat. 886, 912.
3962(d) .....	10:1079a(b) (less proviso).	Apr. 16, 1947, ch. 38, §108(b) (1st 5, and 8th through 76th, words; and proviso); restated May 16, 1950, ch. 186, §5(d)(b) (1st 5, and 8th through 76th, words; and proviso), 64 Stat. 161. June 12, 1948, ch. 449, §103(b) (1st 6, and 9th through 54th, words), 62 Stat. 357.