

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.