

Stat. 1462, 1489; Dec. 12, 1980, Pub. L. 96-513, title V, §502(20), 94 Stat. 2910, related to higher grade for service during certain periods for regular and reserve commissioned officers, prior to repeal by Pub. L. 99-145, title XIII, §1301(b)(2)(A), (C), Nov. 8, 1985, 99 Stat. 735, with such repeal not applicable in the case of a member of the Regular Army described in section 3963 of this title, as such section was in effect on the day before Nov. 8, 1985.

§ 3964. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each retired member of the Army covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Army.

(b) This section applies to—

- (1) warrant officers of the Army;
- (2) enlisted members of the Regular Army; and
- (3) reserve enlisted members of the Army who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time National Guard duty).

(Aug. 10, 1956, ch. 1041, 70A Stat. 231; Pub. L. 85-861, §1(100), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 98-525, title V, §533(c), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 100-180, div. A, title V, §512(a), Dec. 4, 1987, 101 Stat. 1089.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3964	10:594 (1st proviso, less last 39 words; and last proviso). 10:1004 (less 30 words before proviso).	Aug. 21, 1941, ch. 384, §5 (1st proviso, less last 39 words; and last proviso); restated June 29, 1948, ch. 708, §203(c) (1st proviso, less last 39 words; and last proviso). 62 Stat. 1085; May 29, 1954, ch. 249, §19(f), 68 Stat. 167; June 29, 1948, ch. 708, §203(e) (less 30 words before proviso), 62 Stat. 1086.

The words “when his active service plus his service on the retired list totals 30 years” are substituted for the words “upon the completion of thirty years’ [years of] service, to include the sum of his active service and his service on the retired list”, in 10:594 and 1004. The words “under any provision of law”, in 10:594 and 1004; “officer, flight officer, or warrant officer”, in 10:594; and “commissioned, warrant, or enlisted”, in 10:1004; are omitted as surplusage. 10:594 (last proviso) and 1004 (proviso) are omitted as superseded by section 1372 of this title.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3964	10 App.:1004.	May 31, 1956, ch. 348, §1, 70 Stat. 222.

AMENDMENTS

1987—Pub. L. 100-180 substituted “warrant officers and enlisted members” for “Army warrant officers; reg-

ular enlisted members” in section catchline and amended text generally. Prior to amendment, text read as follows: “Each warrant officer of the Army, and each enlisted member of the Regular Army, who is retired before or after this title is enacted is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Army.” 1984—Pub. L. 98-525 substituted “highest grade” for “highest temporary grade”.

1958—Pub. L. 85-861 struck out “, after September 8, 1940 and before July 1, 1946” after “Secretary of the Army”.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-180, div. A, title V, §512(f), Dec. 4, 1987, 101 Stat. 1091, provided that: “The amendments made by subsections (a) and (c) [amending this section and section 8964 of this title] shall apply to any reserve enlisted member who completes 30 years of service in the Armed Forces before, on, or after the date of the enactment of this Act [Dec. 4, 1987]. No person may be paid retired pay at a higher rate by reason of the enactment of this Act [Pub. L. 100-180, see Tables for classification] for any period before the date of the enactment of this Act.”

§ 3965. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Army who has been advanced on the retired list to a higher commissioned grade under section 3964 of this title, and who applies to the Secretary of the Army within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted status, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 231; Pub. L. 100-180, div. A, title V, §512(d)(1), Dec. 4, 1987, 101 Stat. 1090; Pub. L. 100-456, div. A, title XII, §1233(i)(1)(A), Sept. 29, 1988, 102 Stat. 2058.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3965	10:1006.	June 29, 1948, ch. 708, §204, 62 Stat. 1086.

The words “hereafter”, “rank or”, and “shall thereafter be deemed to be enlisted or warrant officer personnel, as appropriate, for all purposes” are omitted as surplusage. The words “three months from June 29, 1948” and “whichever is later” are omitted as executed.

AMENDMENTS

1988—Pub. L. 100-456 substituted “retired” for “regular” in section catchline.

1987—Pub. L. 100-180 struck out “Regular” before “Army who”.

§ 3966. Retired lists

(a) The Secretary of the Army shall maintain a retired list containing the name of each retired commissioned officer of the Regular Army.

(b) The Secretary shall maintain a retired list containing the name of—

- (1) each person entitled to retired pay under any law providing retired pay for commissioned officers of the Army, other than of the Regular Army; and
- (2) each retired warrant officer or enlisted member of the Army who is advanced to a commissioned grade.