

ants, captains, and majors of Air Force Reserve or Air National Guard of United States. See section 14301 et seq. of this title.

Section 8367, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1525; amended Pub. L. 86-559, §1(54), June 30, 1960, 74 Stat. 276, related to selection board procedures for promotion of first lieutenants, captains, and majors of Air Force Reserve or Air National Guard of United States. See section 14001 et seq. of this title.

Section 8368, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1525; amended Pub. L. 86-559, §1(55), June 30, 1960, 74 Stat. 276; Pub. L. 90-130, §1(28)(B), Nov. 8, 1967, 81 Stat. 382; Pub. L. 100-180, div. A, title XII, §1231(19)(B), Dec. 4, 1987, 101 Stat. 1161, related to effect of failure of promotion of reserve officers in grades of first lieutenant, captain, and major. See section 14301 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### [§ 8370. Repealed. Pub. L. 90-130, § 1(28)(C), Nov. 8, 1967, 81 Stat. 382]

Section, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1526; Pub. L. 86-559, §1(56), June 30, 1960, 74 Stat. 276, placed restrictions on promotion consideration of Air Force nurses, medical specialists, and female officers being considered for promotion to the Reserve grades of lieutenant colonel and colonel.

#### [§§ 8371 to 8378. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963]

Section 8371, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1527, related to promotion of officers to grade of colonel to fill vacancies in Air Force Reserve. See section 14301 et seq. of this title.

Section 8372, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1527; amended Pub. L. 86-559, §1(57), June 30, 1960, 74 Stat. 276, related to promotion of officers with special qualifications to grade of captain, major, lieutenant colonel, or colonel of Air Force Reserve. See section 14301 et seq. of this title.

Section 8373, added Pub. L. 89-172, §1, Sept. 8, 1965, 79 Stat. 662, related to promotion of officers to grades of brigadier general and major general of Air Force Reserve. See section 14315 of this title.

A prior section 8373, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528; amended Pub. L. 86-559, §1(58), June 30, 1960, 74 Stat. 277, containing similar subject matter, expired by its own terms on June 30, 1964.

Section 8374, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528, provided that promotion of reserve commissioned officers be effective upon Federal recognition in next higher grade of Air National Guard. See section 14308(f) of this title.

Section 8375, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528; amended Pub. L. 86-559, §1(59), June 30, 1960, 74 Stat. 277; Pub. L. 96-513, title V, §514(3), Dec. 12, 1980, 94 Stat. 2935, related to transfer or discharge of officers promoted to reserve grade of brigadier general or major general ceasing to occupy those positions. See section 14314(a), (c) of this title.

Section 8376, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528; amended Pub. L. 86-559, §1(60), June 30, 1960, 74 Stat. 277, related to promotion of commissioned officers of Air Force Reserve or Air National Guard of United States to higher reserve grades after temporary appointments. See section 14301 et seq. of this title.

Section 8377, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1529; amended Pub. L. 86-559, §1(61), June 30, 1960, 74 Stat. 277, related to effect of removal of reserve commissioned officer from recommended promotion list by President. See section 14301 et seq. of this title.

Section 8378, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1530, related to promotion of reserve commissioned officers removed from active status. See section 14317(a) of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### [§ 8379. Repealed. Pub. L. 103-337, div. A, title XVI, § 1636(c), Oct. 5, 1994, 108 Stat. 2968]

Section, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1530, provided that appointing commissioned officers of Air National Guard was function of governors.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Feb. 10, 1996, see section 1501(f)(1) of Pub. L. 104-106, set out as an Effective Date of 1994 Amendment note under section 12213 of this title.

#### [§§ 8380 to 8396. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963]

Section 8380, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1530; amended Pub. L. 86-559, §1(62), June 30, 1960, 74 Stat. 277; Pub. L. 98-94, title X, §1015(b)(1), Sept. 24, 1983, 97 Stat. 667; Pub. L. 99-145, title V, §521(b), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100-180, div. A, title V, §502(b)(1), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101-189, div. A, title V, §503(b)(1), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102-484, div. A, title V, §519(b), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103-160, div. A, title V, §514(b), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104-106, div. A, title V, §511(b), title XV, §1501(c)(31), Feb. 10, 1996, 110 Stat. 298, 500, related to promotion of reserve commissioned officers on active duty and not on the active duty list. See section 14311(e) of this title.

Section 8381, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer, discharge, or withdrawal of Federal recognition of reserve officers ceasing to occupy position of adjutant general or assistant adjutant general. See section 14314(b), (c) of this title.

Section 8392, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to appointment of adjutant general or assistant adjutant general in reserve commissioned grade in which Federal recognition in Air National Guard was extended. See section 12215(b) of this title.

Section 8393, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531, provided that sea or foreign service not to be required for promotion of reserve commissioned officers in reserve grades.

Section 8394, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, related to acceptance of promotion by officers of Air National Guard of United States or Air Force Reserve. See section 14309 of this title.

Section 8395, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, related to appointment of reserve officers in time of war. See section 14317(e) of this title.

Section 8396, added Pub. L. 96-513, title II, §206(b), Dec. 12, 1980, 94 Stat. 2884, provided that this chapter, except section 8353, did not apply to reserve officers on active-duty list.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

### CHAPTER 839—TEMPORARY APPOINTMENTS

Sec.

[8441 to 8445. Repealed.]

Sec.  
8446. Retention on active duty.  
[8447 to 8452. Repealed.]

## AMENDMENTS

1980—Pub. L. 96-513, title V, § 504(12), Dec. 12, 1980, 94 Stat. 2917, struck out items 8441 “General rule”, 8442 “Commissioned officers; regular and reserve components: appointment in higher grade”, 8444 “Commissioned officers: during war or emergency”, 8445 “Officers: additional appointments during war or emergency”, 8447 “Appointments in commissioned grade: how made; how terminated”, 8448 “Warrant officers: grades; appointment”, 8449 “Warrant officers: promotion”, 8451 “Officers: acceptance of appointment in higher grade”, and 8452 “Medical and dental officers: temporary promotion to captain”.

1968—Pub. L. 90-235, § 3(b)(6), Jan. 2, 1968, 81 Stat. 758, struck out item 8450 “Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency”.

1958—Pub. L. 85-861, § 1(180)(F), (G), Sept. 2, 1958, 72 Stat. 1532, struck out item 8443 “Commissioned officers; Reserves; appointment in higher or lower grade”, and added item 8452.

**[§§ 8441, 8442. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]**

Section 8441, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, provided that temporary appointments be made only in the Air Force without specification of component.

Section 8442, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, provided that a regular commissioned officer, or a reserve commissioned officer who is serving on active duty, may be appointed, based upon ability and efficiency with regard being given to seniority and age, in a temporary grade that is equal to or higher than his regular or reserve grade, without vacating any other grade held by him. See section 601 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.

**[§ 8443. Repealed. Pub. L. 85-861, § 36B(25), Sept. 2, 1958, 72 Stat. 1571]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 522, related to grade of reserve commissioned officers ordered to active duty or serving on active duty.

**[§§ 8444, 8445. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]**

Section 8444, acts Aug. 10, 1956, ch. 1041, 70A Stat. 522; Sept. 2, 1958, Pub. L. 85-861, § 1(180)(A), 72 Stat. 1532, authorized President, in time of war or national emergency, to appoint any qualified person, including a person who is not a Regular or Reserve, in any temporary grade, provided for vacation of the appointment, and permitted, for purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, a medical or dental officer of the Air Force who is appointed in a temporary grade to be credited, when he enters active duty, with the constructive service authorized by section 8294(b) of this title. See section 603 of this title.

Section 8445, acts Aug. 10, 1956, ch. 1041, 70A Stat. 522; Sept. 2, 1958, Pub. L. 85-861, § 1(180)(B), 72 Stat. 1532, provided that in addition to temporary appointments authorized, in time of war or national emergency, a regular officer or a reserve warrant officer may be appointed in any temporary grade higher than his regular or reserve grade, without vacating that grade, or a person who holds no commissioned grade in Regular Air Force be appointed in any temporary commissioned grade. See section 603 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.

**§ 8446. Retention on active duty**

The President may retain on active duty a disabled officer until—

(1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or

(2) the officer is processed for physical disability benefits provided by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 522; Pub. L. 85-861, § 1(180)(C), Sept. 2, 1958, 72 Stat. 1532; Pub. L. 101-189, div. A, title XVI, § 1621(a)(10), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 102-25, title VII, § 701(j)(6), Apr. 6, 1991, 105 Stat. 116.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8446 .....	10:499.	June 19, 1948, ch. 511, 62 Stat. 489.

The word “Shall” is substituted for the words “authorized and directed”. The words “on active duty” are substituted for the words “in service”. The words “warrant officers, and flight officers” are omitted, since the definition of “officer” in section 101(14) of this title covers commissioned, warrant, and flight officers. The words “who has only a temporary appointment” are substituted for the words “of the Air Force \* \* \* of the United States”. The words “his physical condition is such that he” are substituted for the words “their treatment for physical reconstruction has reached a point where they”. The words “in the Air Force” are substituted for the words “in the military service”.

## 1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8446 .....	10 App.:499.	June 15, 1956, ch. 388, 70 Stat. 292.

The words “commissioned officers and warrant” are omitted as covered by the definition of the word “officer” in section 101(14) of this title. The words “condition is such that” are substituted for the words “reconstruction has reached a point where”.

## AMENDMENTS

1991—Par. (2). Pub. L. 102-25 struck out “as” before “provided by law”.

1989—Pub. L. 101-189 amended section generally. Prior to amendment, section read as follows: “Notwithstanding any other provision of law, the President may retain on active duty any disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans’ Administration hospital or until he is processed for physical disability benefits provided by law.”

1958—Pub. L. 85-861 substituted “may retain on active duty any disabled officer” for “shall retain on active duty any disabled officer who has only a temporary appointment”, and “military or Veterans’ Administration hospital or until he is processed for physical disability benefits provided by law”, for “military hospital or in the Army”.