

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). 10:1025.	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. 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).	

In subsection (a), the words “who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Air Force, (3) as a senior member of the Military Staff Committee of the United Nations, or (4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 8066 of this title” are substituted for the words “while serving in accordance with the provisions of subsection (b) or (c) of this section”.

In subsection (b), the words “in that grade” are substituted for the words “in such higher temporary grade”. The words “under section 8071 of this title” are inserted for clarity.

In subsection (c), the words “Upon retirement” are substituted for the words “When * * * is retired”. The word “allowances” is omitted, since retired officers are not entitled to allowances. The words “grade is below brigadier general” are inserted, since any permanent professor who has the grade of brigadier general retires in that grade under section 9335 of this title.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8962	[No source].	[No source].

The amendment reflects section 1 of the Act of May 31, 1956, ch. 348 (70 Stat. 222), which in effect amended section 8963 of this title to cover regular and reserve officers covered by section 8962(b). As to temporary officers, section 8962(b) is obsolete. (See opinion of the Judge Advocate General of the Air Force, May 2, 1957.)