

AMENDMENTS

1996—Pub. L. 104-106 designated subsec. (b) as entire section and struck out subsec. (a) which read as follows: “Upon retirement, a commissioned officer of the Air Force 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) as Surgeon General of the Air Force in the grade of lieutenant general may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade in which he served on active duty.”

1980—Pub. L. 96-343, §13(b)(2), substituted “positions” for “positions: regular commissioned officers” in section catchline.

Subsec. (a). Pub. L. 96-513 substituted “or (4)” for “(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, or (5)”.

Pub. L. 96-343, §13(b)(1), substituted “Air Force who has” for “Regular Air Force who has” and “in which he served on active duty” for “held by him at any time on the active list”.

1965—Subsec. (a). Pub. L. 89-288 added the Surgeon General of the Air Force to the list of commissioned officers who may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by him at any time on the active list.

1958—Subsecs. (b), (c). Pub. L. 85-861 redesignated subsec. (c) as (b), and struck out former subsec. (b) which related to retirement grade of a woman Air Force officer who served at least two and one-half years on active duty in the temporary grade of colonel in the Air Force under section 8071 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.

APPOINTMENT BY PRESIDENT OF RETIRED COMMISSIONED OFFICER OF RESERVE COMPONENT TO HIGHER RETIRED GRADE; RECALCULATION OF PAY

For authority of the President to appoint a retired commissioned officer of a reserve component to a higher retired grade and for recalculation of pay, see section 13(c) of Pub. L. 96-343, set out as a note under section 3962 of this title.

RETIRED GRADE FOR CERTAIN GENERAL OFFICERS

Extension of privilege granted by subsec. (a) of this section, to officers, heretofore or hereafter retired, who served in the grade of general or lieutenant general after Dec. 7, 1941, and before July 1, 1946, see section 38 of act Aug. 10, 1956, set out as a note under section 3962 of this title.

§ 8963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

(a) A Reserve enlisted member of the Air Force described in subsection (b) who is retired under section 8914 of this title shall be retired in the highest enlisted grade in which the member served on active duty satisfactorily (or, in the case of a member of the National Guard, in which the member served on full-time National Guard duty satisfactorily), as determined by the Secretary of the Air Force.

(b) This section applies to a Reserve enlisted member who—

(1) at the time of retirement is serving on active duty (or, in the case of a member of the National Guard, on full-time National Guard

duty) in a grade lower than the highest enlisted grade held by the member while on active duty (or full-time National Guard duty); and

(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Air Force.

(c) This section applies with respect to Reserve enlisted members who are retired under section 8914 of this title after September 30, 1996.

(Added Pub. L. 104-201, div. A, title V, §532(c)(1), Sept. 23, 1996, 110 Stat. 2519.)

PRIOR PROVISIONS

A prior section 8963, acts Aug. 10, 1956, ch. 1041, 70A Stat. 555; Sept. 2, 1958, Pub. L. 85-861, §1(156), (198), 72 Stat. 1513, 1541; Dec. 12, 1980, Pub. L. 96-513, title V, §504(21), 94 Stat. 2917, 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(d)(2)(A), (C), Nov. 8, 1985, 99 Stat. 736, with such repeal not applicable in the case of an Air Force nurse or medical specialist described in section 8963 of this title, as such section was in effect on the day before Nov. 8, 1985.

§ 8964. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each retired member of the Air Force 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 Air Force.

(b) This section applies to—

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 555; Pub. L. 85-861, §1(198A), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 98-525, title V, §533(c), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 100-180, div. A, title V, §512(c), Dec. 4, 1987, 101 Stat. 1090.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8964	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); 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)
8964	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 “Air Force warrant officers; regular enlisted members” in section catchline, and amended text generally. Prior to amendment, text read as follows: “Each warrant officer of the Air Force, and each enlisted member of the Regular Air Force, 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 grade that is equal to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Air Force.”

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 Air Force”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-180 applicable to any reserve enlisted member who completes 30 years of service in Armed Forces before, on, or after Dec. 4, 1987, and no person to be paid retired pay at higher rate by reason of enactment of Pub. L. 100-180 for any period before Dec. 4, 1987, see section 512(f) of Pub. L. 100-180, set out as a note under section 3964 of this title.

§ 8965. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Air Force who has been advanced on the retired list to a higher commissioned grade under section 8964 of this title, and who applies to the Secretary of the Air Force 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. 555; Pub. L. 100-180, div. A, title V, § 512(d)(3), Dec. 4, 1987, 101 Stat. 1090; Pub. L. 100-456, div. A, title XII, § 1233(i)(2)(A), Sept. 29, 1988, 102 Stat. 2058.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8965	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 Air Force” in section catchline.

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

§ 8966. Retired lists

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

(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 Air Force, other than of the Regular Air Force; and

(2) each retired warrant officer or enlisted member of the Air Force who is advanced to a commissioned grade.

(c) The Secretary shall maintain a retired list containing the name of each retired warrant officer of the Air Force.

(d) The Secretary shall maintain a retired list containing the name of each retired enlisted member of the Regular Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 556; Pub. L. 85-861, § 1(199), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 100-180, div. A, title V, § 512(d)(3), Dec. 4, 1987, 101 Stat. 1090.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8966(a)	10:1001.	June 29, 1948, ch. 708, §§ 201, 301(a), 62 Stat. 1084, 1087.
8966(b)	10:1036.	
8966(c)	[No source].	
8966(d)	[No source].	

In subsections (a), (b), and (d), the word “maintain” is substituted for the word “establish”, and in subsection (c) the word “maintain” is substituted for the word “established”, since the lists have been established and are published annually.

In subsection (a), the words “Effective upon June 29, 1948” are omitted as executed. 10:1001 (last 12 words of 1st sentence, and last sentence) is omitted as no longer required, since, upon enactment of this title, laws referring to the limited or unlimited retired list will be expressly repealed.

In subsection (b), the word “shall” is substituted for the word “may”, since 10:1036 further requires that such a list be published annually in the Register. The requirement as to publication necessarily implies that the list must be maintained.

Subsection (b)(1) is substituted for the words “all commissioned officers and former commissioned officers * * * or the Air Force of the United States, as the case may be * * * or the Regular Air Force, heretofore or hereafter granted retirement pay under sections 456, 456a, and 1036a of this title, or any law hereafter enacted to provide retirement pay for commissioned officers * * * or the Regular Air Force”.

In subsection (b)(2), the words “who is advanced to a commissioned grade” are substituted for the words “heretofore or hereafter retired under any provision of law who, by reason of service in temporary commissioned grades * * * or the Air Force of the United States, or in any of the respective components thereof, are entitled to be retired with commissioned rank or grade”.

Subsections (c) and (d) are inserted, since sections 8964 and 8965 of this title refer to service on the retired list as a warrant officer or enlisted member.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8966(a)	10 App.:1001.	July 24, 1956, ch. 677, § 2(f), (g), 70 Stat. 623.
8966(b)	10 App.:1036.	