

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warrant, or enlisted”, in 10:1004; are omitted as surplusage. 10:594 (last proviso) and 1004 (proviso) are omitted as superseded by section 1372 of this title.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. | |

AMENDMENTS

1987—Subsec. (b)(2). Pub. L. 100-180 struck out “Regular” before “Air Force”.

1958—Pub. L. 85-861 struck out provisions in subsecs. (a) and (b) which required annual publication in official Air Force Register of the retired list.

CHAPTER 871—COMPUTATION OF RETIRED PAY

Sec.

8991. Computation of retired pay.

8992. Recomputation of retired pay to reflect advancement on retired list.

§ 8991. Computation of retired pay

(a) COMPUTATION.—

(1) FORMULA.—The monthly retired pay of a member entitled to such pay under this subtitle is computed by multiplying—

(A) the member's retired pay base (as computed under section 1406(e) or 1407 of this title), by

(B) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

(2) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—If a member who is retired under section 8914 of this title has been credited by the Secretary of the Air Force with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

(b) GENERAL RULES.—

(1) USE OF MOST FAVORABLE FORMULA.—If a person would otherwise be entitled to retired pay computed under more than one formula in subsection (a) or the table in section 1401 of this title, he is entitled to be paid under the applicable formula that is most favorable to him.

(2) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (a), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(c) SPECIAL RULE FOR RETIRED RESERVE ENLISTED MEMBERS COVERED BY SECTION 8963.—In the case of a Reserve enlisted member retired under section 8914 of this title whose retired grade is determined under section 8963 of this title and who first became a member of a uniformed service before September 8, 1980, the retired pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the member's retired grade (determined based upon the rates of basic pay applicable on the date of the member's retirement), and that amount shall be used for the purposes of subsection (a)(1)(A) rather than the amount computed under section 1406(e) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 556; Pub. L. 85-155, title III, §301(22), Aug. 21, 1957, 71 Stat.

389; Pub. L. 85-422, §§6(6), (8), 11(a)(9), May 20, 1958, 72 Stat. 129, 131; Pub. L. 85-861, §1(199A), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 87-651, title I, §127, Sept. 7, 1962, 76 Stat. 514; Pub. L. 88-132, §5(h)(2), Oct. 2, 1963, 77 Stat. 214; Pub. L. 90-207, §3(5), Dec. 16, 1967, 81 Stat. 654; Pub. L. 96-342, title VIII, §813(e), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 96-513, title V, §§504(22), 514(8), Dec. 12, 1980, 94 Stat. 2917, 2935; Pub. L. 98-94, title IX, §§922(a)(12), 923(a)(1), (2)(H), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 99-348, title II, §204(a), July 1, 1986, 100 Stat. 697; Pub. L. 103-337, div. A, title VI, §635(c)(2), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104-201, div. A, title V, §532(d)(3), Sept. 23, 1996, 110 Stat. 2520.)

HISTORICAL AND REVISION NOTES 1956 ACT

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|------------------------------|---|---|
| 8991 Introductory paragraph. | 10:941a(a)(3) (proviso, less applicability to retired grade). 10:941a(c) (1st proviso of clause (1), less applicability to retired grade). 10:166g(a) (less 1st 49 words; and less 1st 84 words of last proviso). | R.S. 1274. Mar. 2, 1907, ch. 2515, §1 (less 1st 35 words, and less proviso), 34 Stat. 1217. July 31, 1935, ch. 422, §5 (less 1st 101 words, and less 3d proviso); re-stated June 13, 1940, ch. 344, §3 (less 1st 45 words, and less 2d proviso), 54 Stat. 380; Aug. 7, 1947, ch. 512, §§514(g), 521(a), 61 Stat. 906, 912; June 29, 1948, ch. 708, §202 (less 1st 105 words), 62 Stat. 1084. |
| 8991(A) | 10:941a(a)(3) (less 31st through 42d words, and less proviso). | |
| 8991(B) | 10:941a(c) (clause (1), less 1st 25, and 59th through 113th, words; and less 1st proviso). | |
| 8991(C) | 10:971. 10:971b (less 1st 100 words, and less 1st and 3d proviso). | Oct. 6, 1945, ch. 393, §4 (less 1st sentence); re-stated Aug. 10, 1946, ch. 952, §6(a) (less 1st sentence), 60 Stat. 996. Aug. 10, 1946, ch. 952, §6(c), 60 Stat. 996. |
| 8991(D) | 10:948 (less 1st sentence, and less 1st and last provisos of last sentence). | |
| 8991(E) | 10:980. 10:506b(d) (1st proviso). 10:1079a(b) (proviso). 5:627b(h) (3d proviso, less 1st 42, and last 13, words). | Apr. 16, 1947, ch. 38, §108(a) (less 1st 49 words, and less 1st 84 words of last proviso), 61 Stat. 44. Aug. 7, 1947, ch. 512, §§504(d) (1st proviso), 514(a)(3) (less 31st through 42d words; and less proviso, less applicability to retired grade), 514(e) (clause (1), less 1st 25, and 59th through 93d, words; and less 1st proviso, as applicable to retired grade), 520(b) (proviso), 61 Stat. 888, 902, 905, 912. |
| 8991 Foot-note 1. | 10:1002 (34 words before proviso and proviso). 10:1003 (last 40 words). [No source]. | June 12, 1948, ch. 449, §303(h) (3d proviso, less 1st 42, and last 13, words), 62 Stat. 372. June 29, 1948, ch. 708, §§203(a) (34 words before proviso, and proviso), 203(d) (last 40 words), 62 Stat. 1085. |
| 8991 Foot-note 2. | 10:166g(a) (1st proviso). 10:941a(e) (94th through 113th words of clause (1)). | |
| 8991 Foot-note 3. | 10:948 (last proviso of last sentence). | |
| 8991 Foot-note 4. | 10:971b (1st proviso). 37:272(d) (1st proviso). 10:948 (1st proviso of last sentence). | |
| 8991 Foot-note 5. | | |

In the introductory paragraph, the applicability of the rule stated in the third sentence to situations not expressly covered by the laws named in the source statutes above is a practical construction that the rule must be reciprocally applied in all cases.

In formula B, the words “basic pay” are substituted for the words “base and longevity pay” to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words “his retired grade” are substituted for the words “permanent grade held at time of retirement” to reflect the right to higher retired grade when qualified under other provisions of law. 10:941a(e) (last proviso of clause (1)), is omitted, since, under section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233),