

designated by the President to carry out the grade of general or lieutenant general under section 3066 of this title, and redesignated cl. (5) as (4).

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

Subsec. (b). Pub. L. 96-513, §502(19)(B), (C), redesignated subsec. (c) as (b). Former subsec. (b), which provided that, upon retirement, a commissioned officer of the Army who had served at least four years as chief or assistant chief of a branch was entitled to retire in the highest grade, prescribed for such an office, that he had held while so serving, was struck out.

Pub. L. 96-343, §13(a)(2), struck out “Regular” before “Army”.

Subsec. (c). Pub. L. 96-513, §502(19)(C), redesignated subsec. (c) as (b).

1965—Subsec. (a). Pub. L. 89-288 added the Surgeon General of the Army 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. (c), (d). Pub. L. 85-861 redesignated former subsec. (d) as (c) and repealed former subsec. (c) which related to retirement of commissioned officers who served as Director or Deputy Director of the Women’s Army Corps, Chief of the Army Nurse Corps, or Chief or assistant chief of the Women’s Medical Specialist Corps.

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 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

Pub. L. 96-343, §13(c), Sept. 8, 1980, 94 Stat. 1132, provided that:

“(1) The President may, by and with the advice and consent of the Senate, appoint any commissioned officer of a reserve component of the Armed Forces who retired after December 31, 1967, to the retired grade in which such officer could have been retired had such officer retired on or after the date of the enactment of this Act [Sept. 8, 1980].

“(2) The retired pay of any retired officer who is appointed to a higher retired grade under paragraph (1) shall be recalculated as if such officer had retired in the grade to which appointed, but any increase in such retired pay by virtue of such appointment or this subsection shall be effective only with respect to periods beginning on or after the date on which such appointment is made.”

#### § 7343. 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 Army described in subsection (b) who is retired under section 7314 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 Army.

(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 Army.

(c) This section applies with respect to Reserve enlisted members who are retired under section 7314 of this title after September 30, 1996.

(Added Pub. L. 104-201, div. A, title V, §532(a)(1), Sept. 23, 1996, 110 Stat. 2518, §3963; renumbered §7343 and amended Pub. L. 115-232, div. A, title VIII, §§808(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

#### PRIOR PROVISIONS

A prior section 7343, act Aug. 10, 1956, ch. 1041, 70A Stat. 454, related to manufacture of naval aircraft at plants owned by United States under certain circumstances, prior to repeal by Pub. L. 103-160, div. A, title VIII, §824(a)(9), Nov. 30, 1993, 107 Stat. 1708.

#### AMENDMENTS

2018—Pub. L. 115-232, §808(b)(13), renumbered section 3963 of this title as this section.

Subsecs. (a), (c). Pub. L. 115-232, §809(a), substituted “section 7314” for “section 3914”.

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

#### § 7344. 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, §3964; 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; renumbered §7344, Pub. L. 115-232, div. A, title VIII, §808(b)(13), Aug. 13, 2018, 132 Stat. 1839.)