

(Aug. 10, 1956, ch. 1041, 70A Stat. 518, § 8310; renumbered § 9160, Pub. L. 115-232, div. A, title VIII, § 806(b)(3), Aug. 13, 2018, 132 Stat. 1832.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|--|---|
| 8310 | 10:591. [Uncodified: June 3, 1916, ch. 134, § 4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, § 4 (3d par., less 3d and last sentences), 41 Stat. 761]. | June 3, 1916, ch. 134, § 4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, § 4 (3d par., less 3d and last sentences), 41 Stat. 761.] Aug. 21, 1941, ch. 384, § 2; restated May 29, 1954, ch. 249, § 19(c), 68 Stat. 166. |

The first sentence of section 4a of the act of June 3, 1916, cited above, is omitted as superseded by section 8213 of this title. The second sentence, less first nine words, of section 4a of that act, is omitted as superseded by 10:591.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8310 of this title as this section.

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.

CHAPTER 919—TEMPORARY APPOINTMENTS

Sec.

9176. Retention on active duty.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 806(d)(3)(A), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 839 of this title as this chapter and item 8446 as 9176.

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.

§ 9176. 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, § 8446; 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; renumbered § 9176, Pub. L. 115-232, div. A, title VIII, § 806(b)(4), Aug. 13, 2018, 132 Stat. 1832.)

HISTORICAL AND REVISION NOTES

1956 ACT

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---------------------------------------|
| 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

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---------------------------------------|
| 8446 | 10 App.:499. | June 15, 1956, ch. 388, 70 Stat. 282. |

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

2018—Pub. L. 115-232 renumbered section 8446 of this title as this section.

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”.

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.

CHAPTER 921—ACTIVE DUTY

Sec.

9191. Non-regular officers: status.

9203. Retired commissioned officers: status.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 806(d)(3)(A), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 841 of this title as this chapter and items 8491 and 8503 as 9191 and 9203, respectively.