

(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 9314 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, §8963; renumbered §9343 and amended Pub. L. 115-232, div. A, title VIII, §§806(b)(14), 809(a), Aug. 13, 2018, 132 Stat. 1833, 1840.)

PRIOR PROVISIONS

A prior section 9343 was renumbered section 9443 of this title.

AMENDMENTS

2018—Pub. L. 115-232, §806(b)(14), renumbered section 8963 of this title as this section.

Subsecs. (a), (c). Pub. L. 115-232, §809(a), substituted “section 9314” for “section 8914”.

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.

§ 9344. 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, §8964; 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; renumbered §9344, Pub. L. 115-232, div. A, title VIII, §806(b)(14), Aug. 13, 2018, 132 Stat. 1833.)

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); 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), 66 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.

PRIOR PROVISIONS

A prior section 9344, act Aug. 10, 1956, ch. 1041, 70A Stat. 564; Pub. L. 98-94, title X, §1004(c)(1), Sept. 24, 1983, 97 Stat. 659; Pub. L. 105-85, div. A, title V, §543(c), Nov. 18, 1997, 111 Stat. 1744; Pub. L. 106-65, div. A, title V, §534(c), Oct. 5, 1999, 113 Stat. 605; Pub. L. 106-398, §1 [[div. A], title V, §532(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-110; Pub. L. 107-107, div. A, title V, §533(c)(1), (2), Dec. 28, 2001, 115 Stat. 1106, related to selection of persons from foreign countries to receive instruction at the United States Air Force Academy, prior to repeal by Pub. L. 114-328, div. A, title XII, §1248(b)(1), Dec. 23, 2016, 130 Stat. 2525. See section 347 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8964 of this title as this section.

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 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 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.

§ 9345. 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 9344 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, §8965; 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; renumbered §9345 and amended Pub. L. 115-232, div. A, title VIII, §806(b)(14), 809(a), Aug. 13, 2018, 132 Stat. 1833, 1840.)

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.

PRIOR PROVISIONS

A prior section 9345, added Pub. L. 105-85, div. A, title V, §542(c)(1), Nov. 18, 1997, 111 Stat. 1742; amended Pub. L. 106-65, div. A, title V, §535(c), Oct. 5, 1999, 113 Stat. 606; Pub. L. 109-364, div. A, title V, §531(c), Oct. 17, 2006, 120 Stat. 2199, related to exchange program with foreign military academies, prior to repeal by Pub. L. 114-328, div. A, title XII, §1248(b)(1), Dec. 23, 2016, 130 Stat. 2525.

Another prior section 9345, act Aug. 10, 1956, ch. 1041, 70A Stat. 565, related to selection of Filipinos for instruction at the Air Force Academy, prior to repeal by Pub. L. 98-94, title X, §1004(c)(2), (d), Sept. 24, 1983, 97 Stat. 660, effective one year after Sept. 24, 1983.

A prior section 9345a, added Pub. L. 110-417, [div. A], title V, §541(c)(1), Oct. 14, 2008, 122 Stat. 4456; amended Pub. L. 113-291, div. A, title V, §553(c), Dec. 19, 2014, 128 Stat. 3377, related to foreign and cultural exchange activities, prior to repeal by Pub. L. 114-328, div. A, title XII, §1248(b)(1), Dec. 23, 2016, 130 Stat. 2525.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8965 of this title as this section and substituted “section 9344” for “section 8964”.

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”.

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.

§ 9346. 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, §8966; 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; renumbered §9346, Pub. L. 115-232, div. A, title VIII, §806(b)(14), Aug. 13, 2018, 132 Stat. 1833.)

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.	

PRIOR PROVISIONS

Prior sections 9346 to 9356 were renumbered sections 9446 to 9456 of this title, respectively.

Another prior section 9356, added Pub. L. 103-337, div. A, title V, §556(c)(1), Oct. 5, 1994, 108 Stat. 2775, related to position of athletic director of Academy and to administration of nonappropriated fund account for athletics program of Academy, prior to repeal by Pub. L. 104-106, div. A, title V, §533(c)(1), Feb. 10, 1996, 110 Stat. 315.

Prior sections 9357 to 9360 were renumbered sections 9457 to 9460 of this title, respectively.