

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8961	10:941a(a)(3) (31st through 42d words; and proviso, as applicable to retired grade). 10:941a(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade). 10:947a (last 11 words). 10:1025.	Aug. 7, 1947, ch. 512, §§ 514(a)(3) (31st through 42d words; and proviso, as applicable to retired grade), 514(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade), 61 Stat. 902, 905. Feb. 14, 1885, ch. 67 (43d through 53d words); re-stated Sept. 30, 1890, ch. 1125 (43d through 53d words), 26 Stat. 504, R.S. 1254.

The applicability of the rule stated in the revised section to situations not expressly covered by the laws named in the source credits above is necessarily implied from laws providing for retirement in higher grade in those situations.

PRIOR PROVISIONS

Prior sections 9341 and 9341a were renumbered sections 9441 and 9441a of this title, respectively.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, § 508(b)(4)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: “The retired grade of a regular commissioned officer of the Air Force who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Air Force who retires other than for physical disability, is determined under section 1370 of this title.”

Subsec. (b). Pub. L. 116–283, § 508(b)(4)(B), inserted “or a Regular or Reserve of the Space Force” after “Air Force” and substituted “the member” for “he” and “the member’s” for “his”.

2018—Pub. L. 115–232 renumbered section 8961 of this title as this section.

2000—Subsec. (a). Pub. L. 106–398 struck out “or for nonregular service under chapter 1223 of this title” before “, is determined”.

1994—Subsec. (a). Pub. L. 103–337 substituted “chapter 1223” for “chapter 67”.

1980—Pub. L. 96–513 added subsec. (a), designated existing provisions as subsec. (b), and inserted “not covered by subsection (a)” after “a Regular or Reserve 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 2000 AMENDMENT

Amendment by Pub. L. 106–398 applicable to Reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion by a board convened under chapter 36 or 1403 of this title, or having been found qualified for Federal recognition in a higher grade under chapter 3 of Title 32, National Guard, after Oct. 1, 1996, see section 1 [(div. A)], title V, § 506(c) of Pub. L. 106–398, set out as a note under section 7341 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 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.

§ 9342. Higher grade for service in special positions

Upon retirement, any permanent professor of the United States Air Force Academy whose grade is below brigadier general, and whose service as such a professor has been long and distinguished, may, in the discretion of the President, be retired in the grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554, § 8962; Pub. L. 85–861, § 1(197), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 89–288, § 6, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 96–343, § 13(b)(1), (2), Sept. 8, 1980, 94 Stat. 1131; Pub. L. 96–513, title V, § 504(20), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 104–106, div. A, title V, § 502(c), (d)(1), Feb. 10, 1996, 110 Stat. 293; renumbered § 9342, 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)
8962(a)	10:506b(d) (less 1st and last provisos).	Aug. 7, 1947, ch. 512, §§ 504(d) (less 1st and last provisos), 520(b) (less proviso), 61 Stat. 888, 912.
8962(b)	5:627b(h) (1st 42 words of 3d proviso).	June 12, 1948, ch. 449, § 303(h) (1st 42 words of 3d proviso), 62 Stat. 372.
8962(c)	10:1079a(b) (less proviso).	

In subsection (a), the words “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) 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” are substituted for the words “while serving in accordance with the provisions of subsection (b) or (c) of this section”.

In subsection (b), the words “in that grade” are substituted for the words “in such higher temporary grade”. The words “under section 8071 of this title” are inserted for clarity.

In subsection (c), the words “Upon retirement” are substituted for the words “When * * * is retired”. The word “allowances” is omitted, since retired officers are not entitled to allowances. The words “grade is below brigadier general” are inserted, since any permanent professor who has the grade of brigadier general retires in that grade under section 9335 of this title.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8962	[No source].	[No source].

The amendment reflects section 1 of the Act of May 31, 1956, ch. 348 (70 Stat. 222), which in effect amended section 8963 of this title to cover regular and reserve officers covered by section 8962(b). As to temporary officers, section 8962(b) is obsolete. (See opinion of the Judge Advocate General of the Air Force, May 2, 1957.)

PRIOR PROVISIONS

A prior section 9342 was renumbered section 9442 of this title.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 8962 of this title as this section.

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 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

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 7342 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 7342 of this title.

§ 9343. 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 9314 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 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 or the Space 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 or the Space Force;

(2) enlisted members of the Regular Air Force or the Regular Space Force; and

(3) reserve enlisted members of the Air Force or the Space 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; Pub. L. 116-283, div. A, title IX, §923(c)(21)(A), Jan. 1, 2021, 134 Stat. 3812.)