

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.)

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), 68 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

2021—Subsec. (a). Pub. L. 116-283, §923(c)(21)(A)(i), inserted “or the Space Force” after “member of the Air Force”.

Subsec. (b)(1). Pub. L. 116-283, §923(c)(21)(A)(ii)(I), inserted “or the Space Force” after “Air Force”.

Subsec. (b)(2). Pub. L. 116-283, §923(c)(21)(A)(ii)(II), inserted “or the Regular Space Force” after “Regular Air Force”.

Subsec. (b)(3). Pub. L. 116-283, §923(c)(21)(A)(ii)(I), inserted “or the Space Force” after “Air Force”.

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 or the Space 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; Pub. L. 116-283, div. A, title IX, §923(c)(21)(B), Jan. 1, 2021, 134 Stat. 3812.)

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

2021—Pub. L. 116-283 inserted “or the Space Force” after “member of the Air Force”.

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