

101-189, div. A, title VI, §652(a)(7), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 104-106, div. A, title V, §561(d)(4)(B), Feb. 10, 1996, 110 Stat. 323; renumbered §9326 and amended Pub. L. 115-232, div. A, title VIII, §§806(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1833, 1840; Pub. L. 116-283, div. A, title IX, §923(c)(19), Jan. 1, 2021, 134 Stat. 3812.)

1996—Subsec. (d). Pub. L. 104-106 added subsec. (d).
 1989—Subsec. (a)(1). Pub. L. 101-189, §652(a)(7)(A)(i), inserted “and” after semicolon at end.
 Subsec. (a)(2). Pub. L. 101-189, §652(a)(7)(A)(ii), substituted period for semicolon at end.
 Subsec. (a)(3), (4). Pub. L. 101-189, §652(a)(7)(A)(iii), struck out pars. (3) and (4) which read as follows:
 “(3) all service computed under section 8683 of this title; and
 “(4) if an officer of the Regular Air Force, all active service performed as an officer of the Philippine Constabulary.”
 Subsec. (d). Pub. L. 101-189, §652(a)(7)(B), struck out subsec. (d) which read as follows: “For the purpose of determining whether an Air Force nurse or medical specialist may be retired under section 8911 of this title, all service computed under section 8683 of this title, shall be treated as if it was service as a commissioned officer.”
 1959—Subsec. (d). Pub. L. 86-197 added subsec. (d).

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 8926(a) | 10:951 (less applicability to 10:166g(a)). 10:951a. 10:951b (less applicability to 10:166g(a)). [Uncodified June 18, 1878, ch. 263, §7 (less applicability to 10:166g(a)), 20 Stat. 150.] | June 3, 1916, ch. 134, §127a (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended); added June 4, 1920, ch. 227, subch. I, §51 (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 41 Stat. 785. May 23, 1928, ch. 716, 45 Stat. 720. June 15, 1935, ch. 257 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 49 Stat. 377. June 18, 1878, ch. 263, §7 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 20 Stat. 150. May 29, 1928, ch. 902, 45 Stat. 996; Jan. 29, 1938, ch. 12, §2, 52 Stat. 8. |
| 8926(b) | 10:953a (1st sentence). | |
| 8926(c) | 10:953a (less 1st sentence). | |

Subsection (a) consolidates the various service computation provisions applicable to voluntary retirement of commissioned officers. Clause (1) is substituted for 10:951. Clause (2) is substituted for 10:951b. The words “pay period and”, in 10:951a, are omitted as superseded by section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233). The words “longevity pay and”, in section 7 of the Act of June 18, 1878, ch. 263, 20 Stat. 150, are omitted for the same reason. The last sentence of section 7 of that act is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the Act of June 29, 1948, ch. 708, 62 Stat. 1084. Clause (3) is inserted, since a person entitled to count service under section 8683 of this title might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

In subsection (b), the words “as a member of the Medical Reserve Corps”, in 10:953a, are omitted as covered by subsection (a)(1). The words “are computed by adding to his service under subsection (a)” are substituted for the words “shall be credited to the same extent as service under a Regular Army commission”.

Subsection (c) is substituted for 10:953a (less 1st sentence).

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §923(c)(19)(B), which directed amendment of subsec. (a) by substituting “the officer’s” for “his” wherever appearing, was executed by making the substitution wherever appearing in this section to reflect the probable intent of Congress.

Subsec. (a). Pub. L. 116-283, §923(c)(19)(A)(i), inserted “or the Space Force” after “of the Air Force” in introductory provisions.

Subsec. (a)(1). Pub. L. 116-283, §923(c)(19)(A)(ii), substituted “, the Air Force, or the Space Force” for “or the Air Force”.

2018—Pub. L. 115-232, §806(b)(13), renumbered section 8926 of this title as this section.

Subsecs. (a) to (c). Pub. L. 115-232, §809(a), substituted “section 9311, 9318, or 9324” for “section 8911, 8918, or 8924”.

Statutory Notes and Related Subsidiaries

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 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104-106, set out as a note under section 972 of this title.

§ 9329. Computation of retired pay: law applicable

A member of the Air Force or the Space Force retired under this chapter is entitled to retired pay computed under chapter 945 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554, §8929; renumbered §9329 and amended Pub. L. 115-232, div. A, title VIII, §§806(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1833, 1840; Pub. L. 116-283, div. A, title IX, §923(c)(20), Jan. 1, 2021, 134 Stat. 3812.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 8929 | [No source]. | [No source]. |

The revised section is based on the various retirement provisions in this chapter and is inserted to make explicit the entitlement to retired pay upon retirement.

Editorial Notes

PRIOR PROVISIONS

Prior sections 9331 to 9336 were renumbered sections 9431 to 9436 of this title, respectively.

A prior section 9337, act Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 87-651, title I, §117, Sept. 7, 1962, 76 Stat. 513, related to United States Air Force Academy chaplain, prior to repeal by Pub. L. 114-328, div. A, title V, §591(a), Dec. 23, 2016, 130 Stat. 2152.

A prior section 9338 was renumbered section 9438 of this title.

AMENDMENTS

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

2018—Pub. L. 115-232 renumbered section 8929 of this title as this section and substituted “chapter 945” for “chapter 871”.

Statutory Notes and Related Subsidiaries

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 943—RETIRED GRADE

- Sec. 9341. General rule.
- 9342. Higher grade for service in special positions.
- 9343. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.
- 9344. Higher grade after 30 years of service: warrant officers and enlisted members.
- 9345. Restoration to former grade: retired warrant officers and enlisted members.
- 9346. Retired lists.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 943, consisting of sections 9681 to 9686, related to disposal of obsolete or surplus material, prior to renumbering as chapter 973 of this title.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §806(d)(3)(B)(ii), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 869 of this title as this chapter and items 8961 to 8966 as 9341 to 9346, respectively.

1996—Pub. L. 104-201, div. A, title V, §532(c)(2), Sept. 23, 1996, 110 Stat. 2520, added item 8963.

1988—Pub. L. 100-456, div. A, title XII, §1233(i)(2)(B), Sept. 29, 1988, 102 Stat. 2058, substituted “retired” for “Regular Air Force” in item 8965.

1987—Pub. L. 100-180, div. A, title V, §512(e)(3), Dec. 4, 1987, 101 Stat. 1091, substituted “warrant officers and enlisted members” for “Air Force warrant officers; regular enlisted members” in item 8964.

1985—Pub. L. 99-145, title XIII, §1301(d)(2)(B), Nov. 8, 1985, 99 Stat. 736, struck out item 8963 “Higher grade for service during certain periods: regular and reserve commissioned officers”.

1980—Pub. L. 96-343, §13(b)(3), Sept. 8, 1980, 94 Stat. 1131, substituted “positions” for “positions: regular commissioned officers” in item 8962.

§ 9341. General rule

(a)(1) The retired grade of a regular commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370 of this title.

(2) The retired grade of a reserve commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370a of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force or a Regular or Reserve of the Space Force not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that the member holds on the date of the member's retirement.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554, §8961; Pub. L. 96-513, title V, §504(19), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 103-337, div. A, title XVI, §1674(c)(2), Oct. 5, 1994, 108 Stat. 3016; Pub. L. 106-398, §1

[[div. A], title V, §506(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-102; renumbered §9341, Pub. L. 115-232, div. A, title VIII, §806(b)(14), Aug. 13, 2018, 132 Stat. 1833; Pub. L. 116-283, div. A, title V, §508(b)(4), Jan. 1, 2021, 134 Stat. 3585.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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,