

Editorial Notes**AMENDMENTS**

2018—Subsec. (a)(1). Pub. L. 115-232 substituted “chapter 65, 741, 841, or 941” for “chapter 65, 367, 571, or 867” in introductory provisions and in subpar. (B).

Subsec. (b)(1). Pub. L. 115-232 substituted “chapter 65, 741, 841, or 941” for “chapter 65, 367, 571, or 867”.

2009—Pub. L. 111-84, §643(e)(1), substituted “Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement” for “Retirement from active reserve service performed after regular retirement” in section catchline.

Subsec. (a). Pub. L. 111-84, §643(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

“(a) ELECTION OF RESERVE RETIRED PAY.—A person who, after becoming entitled to retired or retainer pay under chapter 65, 367, 571, or 867 of this title, serves in an active status in a reserve component is entitled to retired pay under this chapter if—

“(1) the person would, but for paragraphs (3) and (4) of section 12731(a) of this title, otherwise be entitled to retired pay under this chapter;

“(2) the person elects under this section to receive retired pay under this chapter; and

“(3) the person’s service in an active status after having become entitled to retired or retainer pay under that chapter is determined by the Secretary concerned to have been satisfactory.”

Subsec. (b)(1). Pub. L. 111-84, §643(b), added par. (1) and struck out former par. (1) which read as follows: “terminate the person’s entitlement to retired or retainer pay under the applicable chapter of this title referred to in subsection (a); and”.

Subsec. (d)(1). Pub. L. 111-84, §643(c)(1), substituted “attains the eligibility age applicable to the person under section 12731(f) of this title” for “attains 60 years of age”.

Subsec. (d)(2)(A). Pub. L. 111-84, §643(c)(2), substituted “attains the eligibility age applicable to the person under such section” for “attains 60 years of age”.

2006—Subsecs. (c), (d). Pub. L. 109-364 substituted “subsection (a)” for “subsection (b)”.

2001—Subsec. (a)(2). Pub. L. 107-107 substituted “receive” for “received”.

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

Pub. L. 106-398, §1 [[div. A], title VI, §653(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-165, provided that: “Section 12741 of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act [Oct. 30, 2000] and shall apply with respect to retired pay payable for months beginning on or after that effective date.”

CHAPTER 1225—RETIRED GRADE

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| Sec. | |
| 12771. | Reserve officers: grade on transfer to Retired Reserve. |
| 12772. | Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve. |
| 12773. | Limitation on accrual of increased pay or benefits. |
| 12774. | Retired lists. |

§ 12771. Reserve officers: grade on transfer to Retired Reserve

(a) GRADE ON TRANSFER.—Unless entitled to a higher grade under another provision of law, a

reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370a of this title, in the armed force in which he is serving on the date of transfer.

(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370a of this title.

(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

(B) completes at least one year of service in such position; and

(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.

(Added Pub. L. 103-337, div. A, title XVI, §1662(k)(1), Oct. 5, 1994, 108 Stat. 3005; amended Pub. L. 111-84, div. A, title VI, §642(b), Oct. 28, 2009, 123 Stat. 2365; Pub. L. 116-283, div. A, title V, §508(b)(5), Jan. 1, 2021, 134 Stat. 3585.)

Editorial Notes**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 1374(b), (f) of this title, prior to repeal by Pub. L. 103-337, §1662(k)(2).

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §508(b)(5)(A), substituted “section 1370a of this title” for “section 1370(d)”.

Subsec. (b)(1). Pub. L. 116-283, §508(b)(5)(B), substituted “section 1370a” for “section 1370(d)”.

2009—Pub. L. 111-84 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section