

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3962	[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 3963 of this title to cover regular officers covered by section 3962(c).

Editorial Notes

PRIOR PROVISIONS

A prior section 7342, act Aug. 10, 1956, ch. 1041, 70A Stat. 454, related to percentage of naval aircraft required to be constructed or manufactured in United States plants, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 824(a)(9), Nov. 30, 1993, 107 Stat. 1708.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3962 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 Army who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Army, (3) as a senior member of the Military Staff Committee of the United Nations, or (4) as Surgeon General of the Army 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(a)(3), substituted “positions” for “positions: regular commissioned officers” in section catchline.

Subsec. (a). Pub. L. 96-513, § 502(19)(A), as amended by Pub. L. 97-22, struck out cl. (4) which had referred to service in a position of importance and responsibility designated by the President to carry out the grade of general or lieutenant general under section 3066 of this title, and redesignated cl. (5) as (4).

Pub. L. 96-343, § 13(a)(1), substituted “Army who has” for “Regular Army who has” and “in which he served on active duty” for “held by him at any time on the active list”.

Subsec. (b). Pub. L. 96-513, § 502(19)(B), (C), redesignated subsec. (c) as (b). Former subsec. (b), which provided that, upon retirement, a commissioned officer of the Army who had served at least four years as chief or assistant chief of a branch was entitled to retire in the highest grade, prescribed for such an office, that he had held while so serving, was struck out.

Pub. L. 96-343, § 13(a)(2), struck out “Regular” before “Army”.

Subsec. (c). Pub. L. 96-513, § 502(19)(C), redesignated subsec. (c) as (b).

1965—Subsec. (a). Pub. L. 89-288 added the Surgeon General of the Army 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. (c), (d). Pub. L. 85-861 redesignated former subsec. (d) as (c) and repealed former subsec. (c) which related to retirement of commissioned officers who served as Director or Deputy Director of the Women’s Army Corps, Chief of the Army Nurse Corps, or Chief or assistant chief of the Women’s Medical Specialist Corps.

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 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

Pub. L. 96-343, § 13(c), Sept. 8, 1980, 94 Stat. 1132, provided that:

“(1) The President may, by and with the advice and consent of the Senate, appoint any commissioned officer of a reserve component of the Armed Forces who retired after December 31, 1967, to the retired grade in which such officer could have been retired had such officer retired on or after the date of the enactment of this Act [Sept. 8, 1980].

“(2) The retired pay of any retired officer who is appointed to a higher retired grade under paragraph (1) shall be recalculated as if such officer had retired in the grade to which appointed, but any increase in such retired pay by virtue of such appointment or this subsection shall be effective only with respect to periods beginning on or after the date on which such appointment is made.”

§ 7343. 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 Army described in subsection (b) who is retired under section 7314 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 Army.

(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 Army.

(c) This section applies with respect to Reserve enlisted members who are retired under section 7314 of this title after September 30, 1996.

(Added Pub. L. 104-201, div. A, title V, § 532(a)(1), Sept. 23, 1996, 110 Stat. 2518, § 3963; renumbered § 7343 and amended Pub. L. 115-232, div. A, title VIII, §§ 808(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7343, act Aug. 10, 1956, ch. 1041, 70A Stat. 454, related to manufacture of naval aircraft at plants owned by United States under certain circumstances, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 824(a)(9), Nov. 30, 1993, 107 Stat. 1708.

AMENDMENTS

2018—Pub. L. 115-232, § 808(b)(13), renumbered section 3963 of this title as this section.

Subsecs. (a), (c). Pub. L. 115-232, § 809(a), substituted “section 7314” for “section 3914”.

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.

§ 7344. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each retired member of the Army 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 Army.

(b) This section applies to—

- (1) warrant officers of the Army;
- (2) enlisted members of the Regular Army; and
- (3) reserve enlisted members of the Army who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time National Guard duty).

(Aug. 10, 1956, ch. 1041, 70A Stat. 231, §3964; Pub. L. 85-861, §1(100), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 98-525, title V, §533(c), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 100-180, div. A, title V, §512(a), Dec. 4, 1987, 101 Stat. 1089; renumbered §7344, Pub. L. 115-232, div. A, title VIII, §808(b)(13), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3964	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)
3964	10 App.:1004.	May 31, 1956, ch. 348, §1, 70 Stat. 222.

Editorial Notes

PRIOR PROVISIONS

A prior section 7344, act Aug. 10, 1956, ch. 1041, 70A Stat. 454, related to suspension of naval aircraft construction in case of treaty for limitation of naval armament, prior to repeal by Pub. L. 103-160, div. A, title VIII, §824(a)(9), Nov. 30, 1993, 107 Stat. 1708.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3964 of this title as this section.

1987—Pub. L. 100-180 substituted “warrant officers and enlisted members” for “Army warrant officers; regular enlisted members” in section catchline and amended text generally. Prior to amendment, text read as follows: “Each warrant officer of the Army, and each enlisted member of the Regular Army, 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 highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Army.”

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 Army”.

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 1987 AMENDMENT

Pub. L. 100-180, div. A, title V, §512(f), Dec. 4, 1987, 101 Stat. 1091, provided that: “The amendments made by subsections (a) and (c) [amending this section and section 8964 of this title] shall apply to any reserve enlisted member who completes 30 years of service in the Armed Forces before, on, or after the date of the enactment of this Act [Dec. 4, 1987]. No person may be paid retired pay at a higher rate by reason of the enactment of this Act [Pub. L. 100-180, see Tables for classification] for any period before the date of the enactment of this Act.”

§ 7345. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Army who has been advanced on the retired list to a higher commissioned grade under section 7344 of this title, and who applies to the Secretary of the Army 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. 231, §3965; Pub. L. 100-180, div. A, title V, §512(d)(1), Dec. 4, 1987, 101 Stat. 1090; Pub. L. 100-456, div. A, title XII, §1233(i)(1)(A), Sept. 29, 1988, 102 Stat. 2058; renumbered §7345 and amended Pub. L. 115-232, div. A, title VIII, §§808(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3965	10:1006.	June 29, 1948, ch. 708, §204, 62 Stat. 1086.