

(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 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 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 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.

(c) SPACE FORCE.—(1) The retired grade of a commissioned officer of the Space Force who retires other than for physical disability is determined under section 1370 or 1370a of this title, as applicable to the officer.

(2) Unless entitled to a higher retired grade under some other provision of law, a member of the Space Force not covered by paragraph (1) who retires other than for physical disability retires in the 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; Pub. L. 118-31, div. A, title XVII, §1719A(b)(2), Dec. 22, 2023, 137 Stat. 664.)

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); restated 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**

2023—Subsec. (a). Pub. L. 118-31, §1719A(b)(2)(A), struck out “or the Space Force” after “Air Force” in pars. (1) and (2).

Subsec. (b). Pub. L. 118-31, §1719A(b)(2)(B), struck out “or a Regular or Reserve of the Space Force” after “Air Force”.

Subsec. (c). Pub. L. 118-31, §1719A(b)(2)(C), added subsec. (c).

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, §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**

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

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

**Editorial Notes****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.