

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 8852 (a).... | 50: 1354 (a) (1st sentence, as applicable to major generals). | Sept. 3, 1954, ch. 1257, § 524 (a) (as applicable to major generals), (e) (as applicable to brigadier generals on a recommended list), 68 Stat. 1182; June 30, 1955, ch. 247, § 4 (j) (as applicable to § 524 (a) (as applicable to major generals), and (c) (as applicable to brigadier generals on a recommended list) of the Act of Sept. 3, 1954, ch. 1257), 69 Stat. 220. |
| | 50: 1354 (c) (as applicable to brigadier generals on a recommended list). | |
| 8852 (b).... | 50: 1354 (a) (1st sentence, as applicable to major generals). | |

In subsection (a), the words "After June 30, 1960" are substituted for the words "Effective five years after July 1, 1955". The words "who is not removed from an active status at an earlier date and" are omitted as surplusage.

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-559 excepted the adjutant general or assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

CROSS REFERENCES

Adjutants general and assistant adjutants general, reference as applicable to other officers of National Guard, see section 281 of this title.

Retention of reserve officers after completing 18 or more, but less than 20, years of service, see section 1006 of this title.

Suspension of operation of provisions of this section in time of war or national emergency, see section 123 of this title.

§ 8853. Computation of years of service.

For the purpose of determining whether a reserve commissioned officer may be transferred to the Retired Reserve, or discharged, under this chapter, his years of service are computed by adding—

- (1) all service as a commissioned officer of any armed force;
- (2) all service before June 15, 1933, as a commissioned officer in the federally recognized National Guard or in a federally recognized commissioned status in the National Guard, and in the National Guard after June 14, 1933, if his service therein was continuous from the date of his Federal recognition as an officer therein to the date of his appointment in the National Guard of the United States; and
- (3) all service credited to him under section 8353 of this title.

No service may be counted more than once. (Added Pub. L. 85-861, § 1 (192), Sept. 2, 1958, 72 Stat. 1538, and amended Pub. L. 86-559, § 1 (75), June 30, 1960, 74 Stat. 280.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 8853..... | 50: 1331 (b) (5) (less applicability to promotion). | Sept. 3, 1954, ch. 1257, § 501 (b) (5) (less applicability to promotion), 68 Stat. 1172. |

The introductory clause is inserted to confine the applicability of the formula set forth in the revised section to those revised sections which are based on sections of the source statute containing the words "total years of service".

AMENDMENTS

1960—Pub. L. 86-559 included within cl. (2) the years of service in the National Guard after June 14, 1933, if the officer's service therein was continuous from the date of his Federal recognition as an officer therein to the date of his appointment in the National Guard of the United States.

CROSS REFERENCES

Suspension of operation of provisions of this section in time of war or national emergency, see section 123 of this title.

§ 8855. Retention in active status of certain officers until age 60.

Notwithstanding any other section of this chapter except section 8846, the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer of the Air Force who is designated as a medical officer, dental officer, chaplain, Air Force nurse, or Air Force medical specialist, but not later than the date upon which he becomes 60 years of age. (Added Pub. L. 86-559, § 1 (76), June 30, 1960, 74 Stat. 280.)

CROSS REFERENCES

Suspension of operation of provisions of this section in time of war or national emergency, see section 123 of this title.

Chapter 865.—RETIREMENT FOR AGE

Sec.

- 8883. Age 60: regular commissioned officers below major general.
- 8884. Age 60: regular major generals whose retirement has been deferred.
- 8885. Age 62: regular major generals.
- 8886. Age 64: regular major generals whose retirement has been deferred.
- 8888. Computation of years of service: mandatory retirement; regular commissioned officers.
- 8889. Computation of retired pay: law applicable.

AMENDMENTS

1957—Pub. L. 85-155, title III, § 301 (17), Aug. 21, 1957, 71 Stat. 388, eliminated items 8881, 8882, and 8887.

CROSS REFERENCES

Retirement for age, general military law provisions, see section 1255 et seq. of this title.

§§ 8881, 8882. Repealed. Pub. L. 85-155, title IV, § 401 (1), Aug. 21, 1957, 71 Stat. 390.

Section 8881, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, authorized the Secretary of the Air Force to retire Air Force nurses and woman medical specialists whose regular grade is below major.

Section 8882, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, authorized the Secretary of the Air Force to retire Air Force nurses or woman medical specialists whose regular grade is above captain.

§ 8883. Age 60: regular commissioned officers below major general.

Unless retired or separated at an earlier date, each commissioned officer whose Regular grade is below major general, other than a professor or the registrar of the United States Air Force Academy, shall be retired when he becomes 60 years of age, except as provided by section 47a of title 5. (Aug. 10, 1956, ch. 1041, 70A Stat. 546; Aug. 6, 1958, Pub. L. 85-600, § 1 (17), 72 Stat. 523.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 8883..... | 10: 941a (a) (1) (less 23 words before 1st proviso). | Aug. 7, 1947, ch. 512, § 514 (a) (1) (less 23 words before 1st proviso), 61 Stat. 902. |

10: 941a (a) (1) (1st 19 words and 1st and last provisos) is omitted as executed. The words "below major general" are substituted for the words "if in the * * * grade of brigadier general or in any * * * grade below that of brigadier general". The words "when he becomes 60 years of age" are substituted for the words "on that date upon which he attains the age of sixty years". The words "except as provided by section 47a of title 5" are inserted, since that section controls the effective date of retirement under this title. The words "under applicable provisions of law" are omitted as surplusage.

AMENDMENTS

1958—Pub. L. 85-600 excluded the registrar of the Air Force Academy from the retirement provisions.

§ 8884. Age 60: regular major generals whose retirement has been deferred.

Unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 8923 of this title has been deferred under clause (1) of that section, shall be retired when he becomes 60 years of age, except as provided by section 47a of title 5. (Aug. 10, 1956, ch. 1041, 70A Stat. 547.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|----------------------------|
| 8884..... | No source. | No source. |

The rule stated in the revised section is inserted as a necessary implication of the rule stated in clause (1) of section 8923 of this title.

§ 8885. Age 62: regular major generals.

Unless retired or separated at an earlier date or unless retained under section 8923 (2) of this title, each commissioned officer whose regular grade is major general shall be retired when he becomes 62 years of age, except as provided by section 47a of title 5. (Aug. 10, 1956, ch. 1041, 70A Stat. 547; Sept. 2, 1958, Pub. L. 85-861, § 33 (a) (42), 72 Stat. 1567.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 8885..... | 10: 941a (a) (1) (23 words before 1st proviso). | Aug. 7, 1947, ch. 512, § 514 (a) (1) (23 words before 1st proviso), 61 Stat. 902. |

The words "unless retained under section 8923 (2) of this title" are inserted for clarity. The words "when he becomes 62 years of age" are substituted for the words "on that date upon which he attains the age of sixty-two years". The words "except as provided by section 47a of title 5" are inserted, since that section controls the effective date of retirement under this title.

AMENDMENTS

1958—Pub. L. 85-861 substituted "section 8923 (2) of this title" for "section 8923 (a) of this title".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-861 effective Aug. 10, 1956, see section 33 (g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 8886. Age 64: regular major generals whose retirement has been deferred.

Unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 8923 of this title has been deferred under clause (2) of that section, and each permanent professor

and the registrar of the United States Air Force Academy, shall be retired when he becomes 64 years of age, except as provided by section 47a of title 5. (Aug. 10, 1956, ch. 1041, 70A Stat. 547; Aug. 6, 1958, Pub. L. 85-600, § 1 (18), 72 Stat. 523.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 8886..... | 10: 941a (a) (2); 10: 1079a (c) (less proviso). | Aug. 7, 1947, ch. 512, §§ 514 (a) (2), 520 (c) (less proviso), 61 Stat. 902, 912. |

The rule stated in the revised section requiring major generals of the Regular Air Force to retire at age 64 is inserted as a necessary implication of the rule stated in clause (2) of section 8923 of this title. The words "under applicable provisions of law", in 10: 941a (a) (2), are omitted as surplusage. The words "when he becomes 64 years of age" are substituted for the words "on that date upon which he attains the age of sixty-four years", in 10: 941a (a) (2), and "at the age of sixty-four years", in 10: 1079a (c) (less proviso). The words "except as provided by section 47a of title 5" are inserted, since that section controls the effective date of retirement under this title.

AMENDMENTS

1958—Pub. L. 85-600 included the registrar of the Air Force Academy.

§ 8887. Repealed. Pub. L. 85-155, title IV, § 401 (1), Aug. 21, 1957, 71 Stat. 390.

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 547, related to computation of years of service of Air Force nurses or woman medical specialists for the purposes of retirement under former sections 8881 or 8882 of this title, or retirement pay under section 8991 of this title.

§ 8888. Computation of years of service: mandatory retirement; regular commissioned officers.

For the purpose of computing the retired pay of a commissioned officer of the Regular Air Force retired under section 8883, 8884, 8885, or 8886 of this title, his years of service are the greater of—

- (1) the years of service that may be credited to him under section 1405 of this title; or
- (2) his years of service computed under clause (A), (B), (C), (D), (E), (F), (G), or (H), whichever applies:

(A) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before January 1, 1948, under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

- (i) the years of service credited to him under that Act at the time of his appointment;
- (ii) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment; and
- (iii) the years of service credited to him under section 27 of the Act enacting this amended section.

(B) For an officer appointed in the Regular Air Force under section 308 of the Women's Armed Services Integration Act of 1948 (62 Stat. 373), the sum of—

- (i) the years of service credited to her under that section at the time of her appointment;

(ii) her years of active commissioned service in the Regular Air Force after that appointment;

(iii) the years of service credited to her under section 27 of the Act enacting this amended section.

(C) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General's Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

(i) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

(ii) the number of days, months, and years by which his age at the time of that appointment exceeded 25 years;

whichever is greater, plus his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment, and the years of service credited to him under section 27 of the Act enacting this amended section.

(D) For an Air Force nurse or medical specialist, the period of service credited to her under the Army-Navy Nurses Act of 1947, as amended, or credited to her under section 8287 (b) of this title at the time of her appointment, plus her years of active commissioned service in the Regular Air Force after her appointment in the Regular Air Force.

(E) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before December 31, 1947, other than an officer covered by clause (A), (C), or (D), the sum of—

(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

(ii) his years of active commissioned service in the Army and the Air Force after becoming 21 years of age and after December 7, 1941, under any earlier appointment; and

(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

(F) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force after December 31, 1947, under section 506 of the Officer Personnel Act of 1947 (61 Stat. 890), the sum of—

(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

(ii) his years of active commissioned service in the armed forces after becoming 21 years of age and after December 6, 1941, under any earlier appointment; and

(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

(G) For an officer of the Regular Air Force who was appointed in the Regular Army or the Regular Air Force after December 31, 1947,

other than an officer covered by clause (B), (D), (F), or (H), the sum of—

(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

(ii) his years of active commissioned service in the Army and the Air Force after December 31, 1947, under any earlier appointment; and

(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

(H) for an officer of the Regular Air Force who was appointed in the Regular Air Force after July 19, 1956, other than an officer who is covered by clause (D) or (F) or who is designated as a medical or dental officer, the sum of—

(i) his years of active commissioned service in the Regular Air Force after that appointment;

(ii) his years of active commissioned service in the armed forces after becoming 21 years of age and before that appointment; and

(iii) the years of service credited to him under section 8287 (a) (3), (4), or (5) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 547; Aug. 21, 1957, Pub. L. 85-155, title III, § 301 (16), 71 Stat. 388; May 20, 1958, Pub. L. 85-422, § 11 (a) (7), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85-861, § 1 (194), 72 Stat. 1538.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 8888..... | 5: 627b (h) (last proviso, as applicable to 10: 941a (a) (3)); 10: 941a (b) (as applicable to 10: 941a (a) (3)); 10: 941a (c) (59tb through 93d words of clause (1), as applicable to 10: 941a (a) (3)). | Aug. 7, 1947, ch. 512, § 514 (b) (as applicable to § 514 (a) (3)), (e) (59tc through 93d words of clause (1), as applicable to § 514 (a) (3)), 61 Stat. 903, 905. June 12, 1948, ch. 449, § 303 (h) (last proviso, as applicable to § 514 (a) (3) of the Act of Aug. 7, 1947, ch. 512), 62 Stat. 372. |

In clause (2) (A), the words "before January 1, 1948" are substituted for the words "between December 28, 1945, and December 31, 1947".

In clause (2) (A)—(D), the words "plus his [her] years" are substituted for the words "increased by the period of his [her]".

In clause (2) (C), clause (1) is substituted for the words "or the total period of active Federal service performed by him after attaining the age of twenty-one years as a commissioned officer in the Army of the United States or any component thereof from December 7, 1941, to the date of such appointment".

In clause (2) (D), the words "other than an officer covered by clause (A), (B), or (C)" are substituted for the words "any other". 10: 941a (b) (clause (2)) is omitted as inapplicable to the Air Force.

In clause (2) (E), the words "other than an officer covered by clause (B)" are inserted for clarity.

AMENDMENTS

1958—Pub. L. 85-861 permitted officers covered by clauses (2) (A)—(C), (E) and (F) to credit the years of service credited to them under section 27 of the act enacting this amended section [Pub. L. 85-861], and added clauses (2) (G) and (H).

Subd. (1). Pub. L. 85-422 substituted "that may be credited to him under section 1405 of this title" for "credited to him in computing his basic pay".

1957—Clause (2) (C). Pub. L. 85-155, § 301 (16) (A), added clause (2) (C). Former clause (2) (C) redesignated (2) (D).

Clause (2) (D). Pub. L. 85-155, § 301 (16) (D), redesignated former clause (2) (C) as (2) (D). Former clause (2) (D) redesignated (2) (E).

Clause (2) (E). Pub. L. 85-155, § 301 (16) (D), redesignated former clause (2) (D) as (2) (E), and Pub. L. 85-155, § 301 (16) (B), substituted "(A), (C), or (D)" for "(A) or (C)". Former clause (2) (E) redesignated (2) (F).

Clause (2) (F). Pub. L. 85-155, § 301 (16) (D), redesignated former clause (2) (E) as (2) (F), and Pub. L. 85-155, § 301 (16) (C), substituted "clause (B) or (C)" for "clause (B)".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-422 effective on June 1, 1958.

RETIREMENT OF CERTAIN AIR FORCE NURSES OR MEDICAL SPECIALISTS

Section 303 of Pub. L. 85-155 provided that: "An Air Force nurse or medical specialist who is promoted to a higher regular grade within one year after the effective date of this Act [August 21, 1957] and who would otherwise be retired under charter 865 or 867 of title 10, United States Code before that date which is two years after the date she is promoted, may not be retired under either of those chapters until that date which is two years after the date she is promoted."

INCREASE OF SERVICE CREDIT FOR CERTAIN OFFICERS OF REGULAR AIR FORCE

Increase of service credited to an officer for purposes of clauses (2) (A)—(C), (E)—(G) of this section, see section 27 of Pub. L. 85-861, set out as a note under section 8287 of this title.

§ 8889. Computation of retired pay: law applicable.

A member of the Air Force retired under this chapter is entitled to retired pay computed under chapter 871 of this title. (Aug. 10, 1956, ch. 1041, 70A Stat. 548.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|----------------------------|
| 8889..... | 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.

Chapter 867.—RETIREMENT FOR LENGTH OF SERVICE

Sec.

- 8911. Twenty years or more: regular or reserve commissioned officers.
- 8913. Twenty years or more: deferred officers not recommended for promotion.
- 8914. Twenty to thirty years: regular enlisted members.
- 8915. Twenty-five years: female majors except those designated under section 8067 (a)—(d) or (g)—(i) of this title.
- 8916. Twenty-eight years: promotion-list lieutenant colonels.
- 8917. Thirty years or more: regular enlisted members.
- 8918. Thirty years or more: regular commissioned officers.
- 8919. Thirty years or more: regular commissioned officers; excessive number.
- 8920. More than thirty years: professors of the United States Air Force Academy.
- 8921. Thirty years or five years in grade: promotion-list colonels.
- 8922. Thirty years or five years in grade: regular brigadier generals.
- 8923. Thirty-five years or five years in grade: regular major generals.
- 8924. Forty years or more: Air Force officers.

Sec.

- 8925. Computation of years of service: voluntary retirement: regular enlisted members.
- 8926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers.
- 8927. Computation of years of service: mandatory retirement; regular commissioned officers.
- 8929. Computation of retired pay: law applicable.

AMENDMENTS

1957—Pub. L. 85-155, title III, § 301 (21), Aug. 21, 1957, 71 Stat. 389, eliminated items 8912 and 8928, and substituted "section 8067 (a)—(d) or (g)—(i)" for "section 8067" in item 8915.

CROSS REFERENCES

Retirement for length of service, general military law provisions, see section 1293 et seq. of this title.

§ 8911. Twenty years or more: regular or reserve commissioned officers.

The Secretary of the Air Force may, upon the officer's request, retire a regular or reserve commissioned officer of the Air Force who has at least 20 years of service computed under section 8926 of this title, at least 10 years of which have been active service as a commissioned officer. (Aug. 10, 1956, ch. 1041, 70A Stat. 549.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U. S. Code) | Source (Statutes at Large) |
|-----------------|-------------------------------------|---|
| 8911..... | 10: 943a; 10: 971b (1st 100 words). | July 31, 1935, ch. 422, § 5 (1st 101 words); restated June 13, 1940, ch. 344, § 3 (1st 45 words), 54 Stat. 380; June 29, 1948, ch. 708, § 202 (1st 105 words), 62 Stat. 1084; July 16, 1953, ch. 203, 67 Stat. 175. |

The words "a regular or reserve commissioned officer of the Air Force" are substituted for the words "any officer on the active list of the * * * Regular Air Force * * * or any officer of the reserve components of the * * * Air Force of the United States". The words "Philippine Scouts" are omitted as obsolete. The words "has at least 20" are substituted for the words "shall have completed not less than twenty". The words "upon his request" are substituted for the words "upon his own application". The words "service computed under section 8926 of this title" are substituted for the words "active Federal service in the armed forces of the United States", since that revised section makes explicit the service covered.

CROSS REFERENCES

Composition of Retired Reserve, see section 274 of this title.

Retention of reserve officers after completing 18 or more, but less than 20 years of service, see section 1006 of this title.

§ 8912. Repealed. Pub. L. 85-155, title IV, § 401 (1), Aug. 21, 1957, 71 Stat. 390.

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 549, permitted the Secretary of the Air Force, upon the officer's request, to retire an Air Force nurse, or a woman medical specialist, of the Regular Air Force, who has at least 20 years of service computed under former section 8928 of this title.

§ 8913. Twenty years or more: deferred officers not recommended for promotion.

(a) A deferred officer who is not recommended for promotion under section 8303(c) of this title, or an officer who is found disqualified for promotion under section 8302(f) of this title, shall, if he has at least 20 years of service computed under section 8927(a) of this title, be retired, except as provided by section 47a of title 5, on such date as may be