

(c) Except as provided by section 1006 of this title, each second lieutenant of the Air Force Reserve who is on the active-duty list of the Air Force and is found not qualified for promotion to the reserve grade of first lieutenant shall be discharged from his reserve appointment not later than the end of the 18-month period beginning on the date on which he is first found not qualified for promotion to that grade, unless he is promoted to that grade before the end of that period.

(As amended Pub. L. 98-525, title V, § 528(d), Oct. 19, 1984, 98 Stat. 2526.)

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-525 added subsec. (c).

CHAPTER 863—SEPARATION OR TRANSFER TO RETIRED RESERVE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 133, 1005, 1006, 1007, 8353, 8380 of this title.

§ 8851. Thirty years or five years in grade: reserve colonels and brigadier generals

[See main edition for text of (a) and (b)]

(c) Notwithstanding subsections (a) and (b), the Secretary of the Air Force may authorize the retention in an active status until age 60 of any officer of the Air National Guard of the United States who would otherwise be removed from an active status under this section and who is employed as a technician under section 709 of title 32 in a position for which Air National Guard membership is prescribed by the Secretary.

(As amended Pub. L. 98-525, title XIV, § 1405(55), Oct. 19, 1984, 98 Stat. 2526.)

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-525 struck out “of this section” after “subsections (a) and (b)”.

§ 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; and

(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.

No service may be counted more than once.

(As amended Pub. L. 98-94, title X, § 1016(c), Sept. 24, 1983, 97 Stat. 668.)

AMENDMENTS

1983—Pub. L. 98-94 temporarily inserted “and” at the end of cl. (1), substituted a period for “; and” at the end of cl. (2), and struck out cl. (3) which read: “all service credited to him under section 8353 of this title.”. See Effective and Termination Dates of 1983 Amendment note below.

EFFECTIVE AND TERMINATION DATES OF 1983 AMENDMENT

Amendment by Pub. L. 98-94 effective for the period beginning Oct. 1, 1983, and ending Sept. 30, 1985, see section 1016(d) of Pub. L. 98-94, set out as a note under section 3360 of this title.

CHAPTER 869—RETIRED GRADE

§ 8961. Higher grade after 30 years of service: Air Force warrant officers; regular enlisted members

Each warrant officer of the Air Force, and each enlisted member of the Regular Air Force, 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 grade that is equal to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Air Force.

(As amended Oct. 19, 1984, Pub. L. 98-525, title V, § 533(c), 98 Stat. 2528.)

AMENDMENTS

1984—Pub. L. 98-525 substituted “highest grade” for “highest temporary grade”.

CHAPTER 871—COMPUTATION OF RETIRED PAY

§ 8991. Computation of retired pay

The monthly retired pay of a person entitled thereto under this subtitle is computed according to the following table. For each case covered by a section of this title named in the column headed “For sections”, retired pay is computed by taking, in order, the steps prescribed opposite it in columns 1, 2, 3, and 4, as modified by the applicable footnotes. The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1. However, if a person would otherwise be entitled to retired pay computed under more than one pay formula of this table or the table in section 1401 of this title, he is entitled to be paid under the applicable formula that is most favorable to him. Section references below are to sections of this title.

For- mu- la	For sec- tions	Column 1	Column 2	Column 3	Column 4
			Multiply by	Add	Subtract
		For a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) after September 7, 1980, take the monthly retired pay base as computed under section 1407(e). For all others, take			
A	8911 8918 8920 8924	Monthly basic pay ¹ of member's retired grade. ²	2½% of years of service credited to him under section 1405 of this title. ²		Excess over 75% of pay upon which computation is based.
B	8914	Monthly basic pay ³ to which member was entitled on day before he retired.	2½% of years of service credited to him under section 8925. ⁴	10% of product of columns 1 and 2 for extraordinary heroism in line of duty. ⁵	Excess over 75% of pay upon which computation is based.
C	8917	Monthly basic pay ³ to which member was entitled on day before he retired.	2½% of years of service credited to him under section 8925. ⁴		Excess over 75% of pay upon which computation is based.

¹For the purposes of this section, determine member's retired grade as if section 8962(b) did not apply and, for an officer who has served as Chief of Staff, compute at the highest rates of basic pay applicable to him while he served in that office.

²Compute at rates applicable on date of retirement.

³Compute at rates applicable on date of retirement, or if the member has served as chief master sergeant of the Air Force, compute at the highest basic pay applicable to him while he so served, if such basic pay is greater.

⁴Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month.

⁵The Secretary of the Air Force's determination as to extraordinary heroism is conclusive for all purposes.

(As amended Sept. 24, 1983, Pub. L. 98-94, title IX, §§ 922(a)(12), 923(a)(1), (2)(H), 97 Stat. 642, 643.)

AMENDMENTS

1983—Pub. L. 98-94, § 923(a)(1), (2)(H), in footnote 4 to the table, substituted “Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month” for “Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months”.

Pub. L. 98-94, § 922(a)(12), inserted “The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

§ 8992. Recomputation of retired pay to reflect advancement on retired list

An enlisted member of the Air Force who is advanced on the retired list under section 8964 of this title is entitled to recompute his retired pay under formula A of the following table, and a warrant officer of the Air Force so advanced is entitled to recompute his retired pay under formula B of that table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

Formula	Column 1	Column 2	Column 3	Column 4
		Multiply by	Add	Subtract
	For a person who first became a member of uniformed service (as defined in section 1407(a)(2) of this title) after September 7, 1980, take the monthly retired pay base as computed under section 1407(c). For all others, take			
A	Monthly basic pay or base and longevity pay, as the case may be, of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 8925 of this title. ²		Excess over 75% of pay upon which computation is based.
B	Monthly basic pay or base and longevity pay, as the case may be, of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 1405 of this title. ²		Excess over 75% of pay upon which computation is based.

¹Compute at rate applicable on date of retirement.

²Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month.

(As amended Sept. 24, 1983, Pub. L. 98-94, title IX, §§ 922(a)(13), 923(a)(1), (2)(I), 97 Stat. 642, 643.)

AMENDMENTS

1983—Pub. L. 98-94, § 923(a)(1), (2)(I), in footnote 2 to the table, substituted “Before applying percentage

factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month” for “Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months”.

Pub. L. 98-94, § 922(a)(13), inserted "The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, and (2) the recomputation of retired pay under this section, of any individual who after Sept. 30, 1983, becomes entitled to recompute retired pay under this section, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

CHAPTER 873—CIVILIAN EMPLOYEES

Sec. [9021 to 9023. Repealed.]

AMENDMENTS

1983—Pub. L. 98-94, title IX, § 932(c)(2), Sept. 24, 1983, 97 Stat. 650, struck out item 9022 "Contract surgeons".

[§ 9022. Repealed. Pub. L. 98-94, title IX, § 932(c)(1), Sept. 24, 1983, 97 Stat. 650]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 558, authorized the Secretary of the Air Force to employ contract surgeons in an emergency. See section 1091 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1983, but with contracts entered into under the authority of this section before Oct. 1, 1983, which are in effect on Oct. 1, 1983, to remain in effect in accordance with the terms of such contracts, see section 932(f) of Pub. L. 98-94, set out as an Effective Date note under section 1091 of this title.

PART III—TRAINING

CHAPTER 903—UNITED STATES AIR FORCE ACADEMY

Sec. 9344. Selection of persons from foreign countries. [9345. Repealed.]

AMENDMENTS

1983—Pub. L. 98-94, title X, § 1004(c)(3), Sept. 24, 1983, 97 Stat. 660, substituted "Selection of persons from foreign countries" for "Selection of persons from Canada and American Republics" in item 9344, and struck out item 9345 "Selection of Filipinos".

§ 9336. Permanent professors; registrar

(a) A permanent professor of the Academy, other than the Dean of the Faculty, who is the head of a department of instruction, or who has served as such a professor for more than six years, has the grade of colonel. However, a permanent professor appointed from the Regular Air Force has the grade of colonel after the date when he completes six years of service as a professor, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier. All other permanent professors have the grade of lieutenant colonel.

(b) A person appointed as registrar of the Academy has the regular grade of lieutenant

colonel, and, after he has served six years as registrar, has the regular grade of colonel. However, a person appointed from the Regular Air Force has the regular grade of colonel after the date when he completes six years of service as registrar, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier.

(As amended Oct. 19, 1984, Pub. L. 98-525, title V, § 533(d)(2), 98 Stat. 2528.)

AMENDMENTS

1984—Subsecs. (a), (b). Pub. L. 98-525 substituted "on which he would have been promoted had he been selected for promotion from among officers in the promotion zone," for "when a regular officer, junior to him on the promotion list or active-duty list on which his name was carried before his appointment as a professor, is promoted to the regular grade of colonel".

§ 9342. Cadets: appointment; numbers, territorial distribution

(a) The authorized strength of Air Force Cadets of the Academy is as follows:

[See main edition for text of (1) to (7)]

(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.

[See main edition for text of (9)]

(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate a principal candidate and nine alternates for each vacancy that is available to him under this section.

[See main edition for text of (b) to (h)]

(As amended Sept. 24, 1983, Pub. L. 98-94, title X, § 1005(a)(3), (b)(3), 97 Stat. 660, 661.)

AMENDMENTS

1983—Subsec. (a)(8). Pub. L. 98-94, § 1005(b)(3), substituted: "One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States" for "One cadet nominated by the Governor of the Panama Canal from the children of civilians residing in the Canal Zone or the children of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama".

Subsec. (a)(10). Pub. L. 98-94, § 1005(a)(3), substituted "One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa" for "One cadet from American Samoa nominated by the Secretary of the Air Force upon recommendation of the Governor of American Samoa".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9343, 9344 of this title.