

tired grade” and eliminated from footnote 2 to such table “and adjust to reflect later changes in applicable permanent rates. However, if member’s retired grade is determined under section 3963(a) or 3963(b), or if member has served 4 years as Chief of the Medical Service Corps, use pay to which member would be entitled if he were on active duty in his retired grade” after “date of retirement.”

1958—Pub. L. 85-861 substituted “section 3962(c)” for “section 3962(d)” in footnote 1, and “3963(a)” for “3962(c), 3963(a)” in footnote 2.

Formula B. Pub. L. 85-422, §11(a)(5), substituted “credited to him under section 1405 of this title” for “credited to him in determining basic pay” in Column 2.

Formula C. Pub. L. 85-422, §6(8), substituted “Monthly basic pay to which member was entitled on day before he retired” for “Monthly basic pay to which member was entitled on date when he applied for retirement” in Column 1.

Formula D. Pub. L. 85-422, §6(8), substituted “monthly basic pay to which member was entitled on day before he retired” for “Monthly basic pay of member’s retired grade” in Column 1.

Footnote 1. Pub. L. 85-422, §6(1), struck out provisions which related to inapplicability of section 3962(a), and inserted provisions permitting computation at the highest rates of basic pay applicable to an officer who has served as Chief of Staff while he served in that office.

1957—Pub. L. 85-155 redesignated formulas “B” to “E” of the table as formulas “A” to “D”. Former formula “A”, which related to computation of retirement pay for persons retired under former sections 3881, 3882, and 3912 of this title, was repealed by Pub. L. 85-155.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

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.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 502(21), (22) of Pub. L. 96-513 effective Sept. 15, 1981, and amendment by section 512(10) of Pub. L. 96-513 effective Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-207 effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as a note under section 203 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88-132 effective Oct. 1, 1963, see section 14 of Pub. L. 88-132, set out as a note under section 201 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-422, §6, May 20, 1958, 72 Stat. 129, provided in part that: “The amendments made by clauses (1)–(3),

(6), (7), (8), and (9) of this section [to Formulas 1 and 2 and footnote 4 of section 1401, Formulas C and D and footnote 1 of this section, sections 5083, 5201, and 6326, and Formulas C and D and footnote 1 of section 8991 of this title] do not apply to any person who is retired, or to whom retired pay (including temporary disability retired pay) is granted, before the effective date of this Act [June 1, 1958].”

Amendment by Pub. L. 85-422 effective June 1, 1958, see section 9 of Pub. L. 85-422.

COMPUTATION OF RETIRED PAY FOR CERTAIN ENLISTED MEMBERS RETIRED PRIOR TO JUNE 1, 1958

Pub. L. 87-537, July 18, 1962, 76 Stat. 168, provided that members retired prior to June 1, 1958, pursuant to section 4 of Armed Forces Voluntary Recruitment Act of 1945, as amended by section 6(a) of the Act of Aug. 10, 1946 (60 Stat. 995), may include active service performed to date of retirement as creditable service in computation of basic pay upon which retired pay is based.

RECOMPUTATION OF RETIRED PAY OF GENERALS AND LIEUTENANT GENERALS

Officers entitled to retired pay on May 31, 1958, who served on active duty before that day in the grade of general or lieutenant general for a period of at least 180 days, authorized to recompute retired pay, see section 7(b), (c) of Pub. L. 85-422, May 20, 1958, 72 Stat. 130.

§ 3992. Recomputation of retired pay to reflect advancement on retired list

(a) ENTITLEMENT TO RECOMPUTATION.—An enlisted member or warrant officer of the Army who is advanced on the retired list under section 3964 of this title is entitled to recompute his retired pay in accordance with this section.

(b) FORMULA.—The monthly retired pay of a member entitled to recompute that pay under this section is computed by multiplying—

(1) the member’s retired pay base (as computed under section 1406(c) or 1407 of this title), by

(2) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

(c) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (b), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 233; Pub. L. 96-342, title VIII, §813(c), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96-513, title V, §512(10), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 97-295, §1(40), Oct. 12, 1982, 96 Stat. 1297; Pub. L. 98-94, title IX, §§922(a)(8), 923(a)(1), (2)(G), Sept. 24, 1983, 97 Stat. 641-643; Pub. L. 99-348, title II, §202(b), July 1, 1986, 100 Stat. 695; Pub. L. 103-337, div. A, title VI, §635(a)(3), Oct. 5, 1994, 108 Stat. 2788.)

HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3992	10:594 (last 39 words of 1st proviso). 10:1004 (30 words before proviso).	Aug. 21, 1941, ch. 384, §5 (last 39 words of 1st proviso); restated June 29, 1948, ch. 708, §203(c) (last 39 words of 1st proviso), 62 Stat. 1085; May 29, 1954, ch. 249, §19(f), 68 Stat. 167; June 29, 1948, ch. 708, §203(c) (30 words before proviso), 62 Stat. 1086.

The words “basic pay * * * as the case may be” are inserted to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words “at the rate prescribed by law for his length of service”, in 10:1004, are omitted as covered by the words “base and longevity pay”. The words “base and longevity pay” are retained to cover the cases of members retired before the enactment of the Career Compensation Act of 1949, and advanced on the retired list after the enactment of that act. The words “and disregard a part of a year that is less than six months” are inserted to conform to footnote 4 of section 3991 of this title.

1982 ACT

This amends 10:3992 to correct an inadvertent error in the codification of title 10 in 1956 relating to retirement pay of warrant officers advanced on the retired list. For further details, see the explanation for amendment of 10:1405 made by section 1(17).

AMENDMENTS

1994—Pub. L. 103-337 amended section generally. Prior to amendment, section contained table with two formulas for recomputing retired pay of enlisted members and warrant officers of Army to reflect advancement on retired list.

1986—Pub. L. 99-348 revised table generally by striking out provision in column 1 that for a person who first became a member of a uniformed service, as defined in section 1407(a)(2), after Sept. 7, 1980, one multiplier is the monthly retired pay base as computed under section 1407(c), substituting in formulas A and B provision that the retired pay base as computed under section 1406(c) or 1407 of this title be multiplied by the retired pay multiplier prescribed in section 1409 of this title for the number of years credited for provisions that the monthly basic pay or base and longevity pay, as the case may be, subject to footnote 1, of the grade to which the member is advanced on the retired list be multiplied by 2½% of years of service credited, subject to footnote 2, and have subtracted from it the excess over 75% of pay upon which the computation is based, struck out footnote 1, which provided that the computation be at the rate applicable on the date of retirement, and redesignated footnote 2 as 1 and substituted “In determining retired pay multiplier” for “Before applying percentage factor” and “1/12” for “one-twelfth”.

1983—Pub. L. 98-94, §922(a)(8), inserted “The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

Pub. L. 98-94, §923(a)(1), (2)(G), in footnote 2 of 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”.

1982—Pub. L. 97-295 added formula B, applicable to warrant officers.

1980—Pub. L. 96-513 in heading for column 1 of table substituted “after September 7, 1980” for “on or after the date of the enactment of the Department of Defense Authorization Act, 1981”.

Pub. L. 96-342 in heading for column 1 of table inserted provisions respecting applicability to persons becoming members after the date of the enactment of the Department of Defense Authorization Act, 1981.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or

after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

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.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

CHAPTER 373—CIVILIAN EMPLOYEES

- Sec.
4021. Army War College and United States Army Command and General Staff College: civilian faculty members.
[4022, 4023. Repealed.]
4024. Expert accountant for Inspector General.
4025. Production of supplies and munitions: hours and pay of laborers and mechanics.
4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.

AMENDMENTS

2000—Pub. L. 106-398, §1 [[div. A], title V, §554(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-126, added item 4027.

1989—Pub. L. 101-189, div. A, title XI, §1124(b)(2), Nov. 29, 1989, 103 Stat. 1559, added item 4021.

1983—Pub. L. 98-94, title IX, §932(b)(2), Sept. 24, 1983, 97 Stat. 650, struck out item 4022 “Contract surgeons”.

1962—Pub. L. 87-651, title I, §116(2), Sept. 7, 1962, 76 Stat. 513, struck out item 4023 “Service club and library services”.

1958—Pub. L. 85-861, §1(102), Sept. 2, 1958, 72 Stat. 1489, struck out item 4021 “Appointment: professional and scientific services”.

§ 4021. Army War College and United States Army Command and General Staff College: civilian faculty members

(a) **AUTHORITY OF SECRETARY.**—The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College as the Secretary considers necessary.

(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

(c) **APPLICATION TO CERTAIN FACULTY MEMBERS.**—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College after the end of the 90-day period beginning on November 29, 1989.

(2) This section shall not apply with respect to professors, instructors, and lecturers employed at the Army War College or the United States Army Command and General Staff College if the duration of the principal course of instruction