

ular 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”.

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.”

§ 3965. 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 3964 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; 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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 3965, 10:1006, June 29, 1948, ch. 708, § 204, 62 Stat. 1086.

The words “hereafter”, “rank or”, and “shall thereafter be deemed to be enlisted or warrant officer personnel, as appropriate, for all purposes” are omitted as surplusage. The words “three months from June 29, 1948” and “whichever is later” are omitted as executed.

AMENDMENTS

1988—Pub. L. 100-456 substituted “retired” for “regular” in section catchline.

1987—Pub. L. 100-180 struck out “Regular” before “Army who”.

§ 3966. Retired lists

(a) The Secretary of the Army shall maintain a retired list containing the name of each retired commissioned officer of the Regular Army.

(b) The Secretary shall maintain a retired list containing the name of—

(1) each person entitled to retired pay under any law providing retired pay for commissioned officers of the Army, other than of the Regular Army; and

(2) each retired warrant officer or enlisted member of the Army who is advanced to a commissioned grade.

(c) The Secretary shall maintain a retired list containing the name of each retired warrant officer of the Army.

(d) The Secretary shall maintain a retired list containing the name of each retired enlisted member of the Regular Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 231; Pub. L. 85-861, § 1(101), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 100-180, div. A, title V, § 512(d)(1), Dec. 4, 1987, 101 Stat. 1090.)

HISTORICAL AND REVISION NOTES 1956 ACT

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Rows 1-4: 3966(a) 10:1001, 3966(b) 10:1036, 3966(c) [No source], 3966(d) [No source].

In subsections (a), (b), (c) and (d), the word “maintain” is substituted for the word “establish”, since the lists have been established and are published annually.

In subsection (a), the words “Effective upon June 29, 1948” are omitted as executed. 10:1001 (last 12 words of 1st sentence, and last sentence) is omitted as no longer required, since, upon enactment of this title laws referring to the limited or unlimited retired list will be expressly repealed.

Subsection (b)(1) is substituted for the words “all commissioned officers and former commissioned officers of the Army of the United States * * * other than those of the Regular Army * * * heretofore or hereafter granted retirement pay under sections 456, 456a, and 1036a of this title, or any law hereafter enacted to provide retirement pay for commissioned officers other than those of the Regular Army”.

In subsection (b)(2), the words “who is advanced to a commissioned grade” are substituted for the words “heretofore or hereafter retired under any provision of law who, by reason of service in temporary commissioned grades in the Army of the United States * * * or in any of the respective components thereof, are entitled to be retired with commissioned rank or grade”.

Subsections (c) and (d) are inserted, since sections 3964 and 3965 of this title refer to service on the retired list as a warrant officer or enlisted member.

1958 ACT

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Rows 1-2: 3966(a) 10 App.:1001, 3966(b) 10 App.:1036.

AMENDMENTS

1987—Subsec. (b)(2). Pub. L. 100-180 struck out “Regular” before “Army”.

1958—Pub. L. 85-861 struck out provisions in subsecs. (a) and (b) which required annual publication in the official Army Register of the retired list.

CHAPTER 371—COMPUTATION OF RETIRED PAY

Table with 2 columns: Sec., Description. Rows 1-2: 3991. Computation of retired pay. 3992. Recomputation of retired pay to reflect advancement on retired list.

§ 3991. Computation of retired pay

(a) COMPUTATION.—

(1) FORMULA.—The monthly retired pay of a member entitled to such pay under this subtitle is computed by multiplying—

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