

(iv) CADETS AND MIDSHIPMEN, ETC.—A member of a uniformed service who serves as a cadet, midshipman, or member of the Senior Reserve Officers' Training Corps during the election period specified in clause (i) shall make the election described in subparagraph (B)—

(I) on or after the date on which such cadet, midshipman, or member of the Senior Reserve Officers' Training Corps is appointed as a commissioned officer or otherwise begins to receive basic pay; and

(II) not later than 30 days after such date or the end of such election period, whichever is later.

(v) INACTIVE RESERVES.—A member of a reserve component who is not in an active status during the election period specified in clause (i) shall make the election described in subparagraph (B)—

(I) on or after the date on which such member is transferred from an inactive status to an active status or active duty; and

(II) not later than 30 days after such date or the end of such election period, whichever is later.

(D) NO RETROACTIVE CONTRIBUTIONS PURSUANT TO ELECTION.—Thrift Savings Plan contributions may not be made for a member making an election pursuant to subparagraph (B) for any period beginning before the date of the member's election under that subparagraph by reason of the member's election.

(E) REGULATIONS.—The Secretary concerned shall prescribe regulations to implement this paragraph.

(c) YEARS OF CREDITABLE SERVICE DEFINED.—In this section, the term “years of creditable service” means the number of years of service creditable to a member in computing the member's retired or retainer pay (including $\frac{1}{12}$ of a year for each full month of service that is in addition to the number of full years of service of the member).

(Added Pub. L. 99-348, title I, §101, July 1, 1986, 100 Stat. 683; amended Pub. L. 101-189, div. A, title VI, §651(b)(3), Nov. 29, 1989, 103 Stat. 1460; Pub. L. 103-337, div. A, title XVI, §1662(j)(6), Oct. 5, 1994, 108 Stat. 3005; Pub. L. 106-65, div. A, title VI, §§641(a), 643(b)(2), Oct. 5, 1999, 113 Stat. 662, 664; Pub. L. 109-364, div. A, title VI, §642(a), Oct. 17, 2006, 120 Stat. 2259; Pub. L. 110-181, div. A, title VI, §661(b)(3), Jan. 28, 2008, 122 Stat. 178; Pub. L. 114-92, div. A, title VI, §631(a), Nov. 25, 2015, 129 Stat. 842; Pub. L. 114-328, div. A, title VI, §631(a), Dec. 23, 2016, 130 Stat. 2162; Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840.)

REFERENCES IN TEXT

Section 322 of title 37 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008), referred to in subsec. (b)(2), means section 322 of title 37 as in effect before enactment of Pub. L. 110-181. Section 322 of title 37 was renumbered as section 354 of title 37 and amended by Pub. L. 110-181, div. A, title VI, §661(b)(1), (2), Jan. 28, 2008, 122 Stat. 178.

AMENDMENTS

2018—Subsec. (a)(2). Pub. L. 115-232 substituted “section 8330” for “section 6330”.

2016—Subsec. (b)(4)(C)(i). Pub. L. 114-328, §631(a)(1), substituted “, (iii), (iv), and (v)” for “and (iii)”.

Subsec. (b)(4)(C)(iv), (v). Pub. L. 114-328, §631(a)(2), added cls. (iv) and (v).

2015—Subsec. (b)(4). Pub. L. 114-92 added par. (4).

2008—Subsec. (b)(2). Pub. L. 110-181, in introductory provisions, substituted “section 322 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008) or section 354” for “section 322”.

2006—Subsec. (b)(3). Pub. L. 109-364 amended heading and text of par. (3) generally. Prior to amendment, text read as follows: “In the case of a member with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.”

1999—Subsec. (b)(2). Pub. L. 106-65 inserted “certain” after “Reduction applicable to” in heading and “has elected to receive a bonus under section 322 of title 37,” after “July 31, 1986,” in introductory provisions.

1994—Subsec. (a)(1)(B). Pub. L. 103-337 substituted “chapter 1223” for “chapter 67”.

1989—Subsec. (a)(1). Pub. L. 101-189 substituted “who is entitled to that pay” for “who is retired” in introductory provisions.

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 2016 AMENDMENT

Pub. L. 114-328, div. A, title VI, §631(b), Dec. 23, 2016, 130 Stat. 2162, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 631(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 842) [amending this section], to which the amendments made by subsection (a) relate.”

EFFECTIVE DATE OF 2015 AMENDMENT; IMPLEMENTATION

Amendment by Pub. L. 114-92 effective Jan. 1, 2018, with certain implementation requirements, see section 635 of Pub. L. 114-92, set out as a note under section 8432 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 effective Oct. 1, 1999, see section 644 of Pub. L. 106-65, set out as a note under section 1401a 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.

§ 1410. Restoral of full retirement amount at age 62 for certain members entering on or after August 1, 1986

In the case of a member or former member who first became a member of a uniformed service on or after August 1, 1986, who has elected to receive a bonus under section 322 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008) or section 354 of title 37, and who becomes entitled to retired pay before the age of 62, the retired pay of such member or former member shall be recomputed, effective on the first day of the first

month beginning after the member or former member attains 62 years of age, so as to be the amount equal to the amount of retired pay to which the member or former member would be entitled on that date if—

(1) increases in the retired pay of the member or former member under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3) of that section); and

(2) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, no reduction in the member's retired pay had been made under that section.

(Added Pub. L. 99-348, title I, § 103, July 1, 1986, 100 Stat. 685; amended Pub. L. 100-224, § 2, Dec. 30, 1987, 101 Stat. 1536; Pub. L. 101-189, div. A, title VI, § 651(b)(4), Nov. 29, 1989, 103 Stat. 1460; Pub. L. 106-65, div. A, title VI, §§ 641(c), 643(b)(3)(A), Oct. 5, 1999, 113 Stat. 662, 664; Pub. L. 110-181, div. A, title VI, § 661(b)(3), Jan. 28, 2008, 122 Stat. 178; Pub. L. 113-67, div. A, title IV, § 403(b), Dec. 26, 2013, 127 Stat. 1186; Pub. L. 114-92, div. A, title VI, § 631(d)(1), Nov. 25, 2015, 129 Stat. 845.)

REFERENCES IN TEXT

Section 322 of title 37 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008), referred to in text, means section 322 of title 37 as in effect before enactment of Pub. L. 110-181. Section 322 of title 37 was renumbered as section 354 of title 37 and amended by Pub. L. 110-181, div. A, title VI, § 661(b)(1), (2), Jan. 28, 2008, 122 Stat. 178.

AMENDMENTS

2015—Par. (1), Pub. L. 114-92, § 631(d)(1), which was approved Nov. 25, 2015, provided that the amendment made by Pub. L. 113-67, § 403(b), which was effective Dec. 1, 2015, would not take effect. See 2013 Amendment note below.

2013—Par. (1), Pub. L. 113-67, § 403(b), which directed substitution of “paragraph (3) or (4)” for “paragraph (3)”, did not take effect pursuant to Pub. L. 114-92, § 631(d)(1). See 2015 Amendment note above.

2008—Pub. L. 110-181, in introductory provisions, substituted “section 322 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008) or section 354” for “section 322”.

1999—Pub. L. 106-65 inserted “certain” before “members” in section catchline and “who has elected to receive a bonus under section 322 of title 37,” after “August 1, 1986,” in introductory provisions.

1989—Pub. L. 101-189, § 651(b)(4), in introductory provisions, inserted “or former member” after “In the case of a member”, “the retired pay of such member”, “after the member”, and “to which the member”, and in par. (1), substituted “retired pay of the member or former member” for “member's retired pay”.

1987—Pub. L. 100-224 struck out heading “(a) General rule”, substituted provisions that the amount equal to the amount of retired pay to which the member would be entitled on that date if (1) increases in the member's retired pay under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3) of that section); and (2) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, no reduction in the member's retired pay had been made under that section, for provisions that the amount equal to (1) the amount of the member's initial unreduced retired pay, increased by (2) the percent (adjusted to the nearest one-tenth of 1 percent) by which (A) the price index for the most recent base quarter ending more than 31 days before the date the member attains 62 years of age, exceeds (B) the price index for the calendar quarter im-

mediately before the date the member first became entitled to retired pay, and struck out subsec. (b) which had directed that, in this section, the term “initial unreduced retired pay” meant the amount of retired pay (A) to which the member was entitled when the member first became entitled to retired pay; or (B) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, to which the member would have been entitled on the date of the member's retirement without regard to that section, and that the definitions in subsection (g), and the provisions of subsection (h), of section 1401a of this title applied to this section.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-67 effective Dec. 1, 2015, see section 403(c) of Pub. L. 113-67, set out as a note under section 1401a of this title. Amendment did not take effect pursuant to section 631(d)(1) of Pub. L. 114-92, set out as a Repeal of Reduced Cost-of-living Adjustments for Members Under the Age of 62 note under section 1401a of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 effective Oct. 1, 1999, see section 644 of Pub. L. 106-65, set out as a note under section 1401a of this title.

§ 1411. Rules of construction

(a) CONSTRUCTION OF “FIRST BECAME A MEMBER”.—For purposes of this chapter and other provisions of law providing for computation of retired or retainer pay of members of the uniformed services, a person shall be considered to first become a member of a uniformed service on the date the person is first enlisted, inducted, or appointed in a uniformed service.

(b) REFERENCES IN TABLES.—Section references in tables in this chapter are to sections of this title.

(Added Pub. L. 99-348, title I, § 105, July 1, 1986, 100 Stat. 691.)

§ 1412. Administrative provisions

(a) ROUNDING.—Amounts computed under this chapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(b) PAYMENT DATE.—Amounts of retired pay and retainer pay due a retired member of the uniformed services shall be paid on the first day of each month beginning after the month in which the right to such pay accrues.

(Added Pub. L. 99-348, title I, § 105, July 1, 1986, 100 Stat. 691; amended Pub. L. 111-383, div. A, title VI, § 632(a), (b)(1), Jan. 7, 2011, 124 Stat. 4240.)

AMENDMENTS

2011—Pub. L. 111-383, § 632(b)(1), substituted “Administrative provisions” for “Rounding to next lower dollar” in section catchline.

Pub. L. 111-383, § 632(a), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title VI, § 632(c), Jan. 7, 2011, 124 Stat. 4240, provided that: “Subsection (b) of section 1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act [Jan. 7, 2011].”