

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 1980 AMENDMENT

Amendment by Pub. L. 96-343 effective with respect to retired pay payable for months beginning after Sept. 8, 1980, see section 9(c) of Pub. L. 96-343, set out as a note under section 7314 of this title.

**§ 7326. Computation of years of service: voluntary retirement; regular and reserve commissioned officers**

(a) For the purpose of determining whether an officer of the Army may be retired under section 7311, 7318, or 7324 of this title, his years of service are computed by adding—

- (1) all active service performed as a member of the Army or the Air Force;
- (2) all service in the Navy or Marine Corps that may be included in determining the eligibility of an officer of the Navy or Marine Corps for retirement;
- (3) all service computed under section 3683<sup>1</sup> of this title; and
- (4) if an officer of the Regular Army, all active service performed as an officer of the Philippine Constabulary.

(b) For the purpose of determining whether a commissioned officer of the Regular Army in the Medical Corps may be retired under section 7311, 7318, or 7324 of this title, his years of service are computed by adding to his service under subsection (a) all service performed as a contract surgeon, acting assistant surgeon, or contract physician, under a contract to serve full time and to take and change station as ordered.

(c) For the purpose of determining whether a commissioned officer of the Regular Army in the Dental Corps may be retired under section 7311, 7318, or 7324 of this title, his years of service are computed by adding to his service under subsection (a) all service as a contract dental surgeon or acting dental surgeon.

(d) For the purpose of determining whether a commissioned officer of the Army Nurse Corps or the Army Medical Specialist Corps may be retired under section 7311 of this title, all service computed under section 3683<sup>1</sup> of this title shall be treated as if it were service as a commissioned officer.

(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 228, §3926; Pub. L. 86-197, §1(5), Aug. 25, 1959, 73 Stat. 426; Pub. L. 104-106, div. A, title V, §561(d)(2)(B), Feb. 10, 1996, 110 Stat. 322; renumbered §7326 and amended Pub. L. 115-232, div. A, title VIII, §§808(b)(12), 809(a), Aug. 13, 2018, 132 Stat. 1838, 1840.)

<sup>1</sup> See References in Text note below.

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3926(a) .....	10:951 (less applicability to 10:166g(a)). 10:951a. 10:951b (less applicability to 10:166g(a)). [Uncodified: June 18, 1878, ch. 263, §7 (less applicability to 10:166g(a)), 20 Stat. 150].	June 3, 1916, ch. 134, §127a (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended); added June 4, 1920, ch. 227, subch. I, §51 (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 41 Stat. 785. May 23, 1928, ch. 716, 45 Stat. 720. June 15, 1935, ch. 257 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 49 Stat. 377. June 18, 1878, ch. 263, §7 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 20 Stat. 150. May 29, 1928, ch. 902, 45 Stat. 996; Jan. 29, 1938, ch. 12, §2, 52 Stat. 8.
3926(b) .....	10:953a (1st sentence).	
3926(c) .....	10:953a (less 1st sentence).	

Subsection (a) consolidates the various service computation provisions applicable to voluntary retirement of commissioned officers. Clause (1) is substituted for 10:951. Clause (2) is substituted for 10:951b. The words “pay period and”, in 10:951a, are omitted as superseded by section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233). The words “longevity pay and”, in section 7 of the act of June 18, 1878, ch. 263, 20 Stat. 150, are omitted for the same reason. The last sentence of section 7 of that act is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the act of June 29, 1948, ch. 708, 62 Stat. 1084. Clause (3) is inserted, since a person entitled to count service under section 3683 of this title might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

In subsection (b), the words “as a member of the Medical Reserve Corps”, in 10:953a, are omitted as covered by subsection (a)(1). The words “are computed by adding to his service under subsection (a)” are substituted for the words “shall be credited to the same extent as service under a Regular Army commission”.

Subsection (c) is substituted for 10:953a (less 1st sentence).

REFERENCES IN TEXT

Section 3683 of this title, referred to in subsecs. (a)(3) and (d), was repealed (subject to a savings clause) by Pub. L. 99-145, title XIII, §1301(b)(1)(A), (C), Nov. 8, 1985, 99 Stat. 735.

AMENDMENTS

2018—Pub. L. 115-232, §808(b)(12), renumbered section 3926 of this title as this section.

Subsecs. (a) to (c). Pub. L. 115-232, §809(a), substituted “section 7311, 7318, or 7324” for “section 3911, 3918, or 3924” in introductory provisions in subsec. (a) and in subsecs. (b) and (c).

Subsec. (d). Pub. L. 115-232, §809(a), substituted “section 7311” for “section 3911”.

1996—Subsec. (e). Pub. L. 104-106 added subsec. (e).

1959—Subsec. (d). Pub. L. 86-197 added subsec. (d).

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 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104-106, set out as a note under section 972 of this title.

**§ 7329. Computation of retired pay: law applicable**

A member of the Army retired under this chapter is entitled to retired pay computed under chapter 745 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 230, § 3929; renumbered § 7329 and amended Pub. L. 115-232, div. A, title VIII, §§ 808(b)(12), 809(a), Aug. 13, 2018, 132 Stat. 1838, 1840.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3929 .....	[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.

## AMENDMENTS

2018—Pub. L. 115-232, § 809(a), substituted “chapter 745” for “chapter 371”.

Pub. L. 115-232, § 808(b)(12), renumbered section 3929 of this title as this section.

## 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.

**CHAPTER 743—RETIRED GRADE**

Sec.	
7341.	General rule.
7342.	Higher grade for service in special positions.
7343.	Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.
7344.	Higher grade after 30 years of service: warrant officers and enlisted members.
7345.	Restoration to former grade: retired warrant officers and enlisted members.
7346.	Retired lists.

## AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 808(e)(2)(B), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 369 of this title as this chapter and items 3961 to 3966 as 7341 to 7346, respectively.

1996—Pub. L. 104-201, div. A, title V, § 532(a)(2), Sept. 23, 1996, 110 Stat. 2518, added item 3963.

1988—Pub. L. 100-456, div. A, title XII, § 1233(i)(1)(B), Sept. 29, 1988, 102 Stat. 2058, substituted “retired” for “regular” in item 3965.

1987—Pub. L. 100-180, div. A, title V, § 512(e)(1), Dec. 4, 1987, 101 Stat. 1091, substituted “warrant officers and enlisted members” for “Army warrant officers; regular enlisted members” in item 3964.

1985—Pub. L. 99-145, title XIII, § 1301(b)(2)(B), Nov. 8, 1985, 99 Stat. 735, struck out item 3963 “Higher grade for service during certain periods: regular and reserve commissioned officers”.

1980—Pub. L. 96-343, § 13(a)(4), Sept. 8, 1980, 94 Stat. 1131, substituted “positions” for “positions: regular commissioned officers” in item 3962.

**§ 7341. General rule**

(a) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Army who retires other than for physical disability, is determined under section 1370 of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Army not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.

(Aug. 10, 1956, ch. 1041, 70A Stat. 230, § 3961; Pub. L. 96-513, title V, § 502(18), Dec. 12, 1980, 94 Stat. 2910; Pub. L. 103-337, div. A, title XVI, § 1672(c)(2), Oct. 5, 1994, 108 Stat. 3015; Pub. L. 106-398, § 1 [[div. A], title V, § 506(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-102; renumbered § 7341, Pub. L. 115-232, div. A, title VIII, § 808(b)(13), Aug. 13, 2018, 132 Stat. 1839.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3961 .....	10:941a(a)(3) (31st through 42d words; and proviso, as applicable to retired grade). 10:941a(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade). 10:947a (last 11 words). 10:1025. 10:1026 (proviso).	Aug. 7, 1947, ch. 512, §§ 514(a)(3) (31st through 42d words; and proviso, as applicable to retired grade), 514(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade), 61 Stat. 893, 902. Feb. 14, 1885, ch. 67 (43d through 53d words); restated Sept. 30, 1890, ch. 1125 (43d through 53d words), 26 Stat. 504. R.S. 1254. June 3, 1916, ch. 134, § 4c (proviso); added June 29, 1945, ch. 197 (proviso); restated Aug. 7, 1947, ch. 512, § 513(c) (proviso), 61 Stat. 902.

The applicability of the rule stated in the revised section to situations not expressly covered by the laws named in the source credits above is necessarily implied from laws providing for retirement in higher grade in those situations.

## PRIOR PROVISIONS

A prior section 7341, act Aug. 10, 1956, ch. 1041, 70A Stat. 453, related to authorized number of naval airplanes and lighter-than-air crafts, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 824(a)(9), Nov. 30, 1993, 107 Stat. 1708.

## AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3961 of this title as this section.

2000—Subsec. (a). Pub. L. 106-398 struck out “or for nonregular service under chapter 1223 of this title” before “; is determined”.

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

1980—Pub. L. 96-513 added subsec. (a), designated existing provisions as subsec. (b), and inserted “not covered by subsection (a)” after “Regular or Reserve of the Army”.

## 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