

of this Act [Pub. L. 100-180, see Tables for classification] for any period before the date of the enactment of this Act.”

**§ 7345. 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 7344 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, §3965; 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; renumbered §7345 and amended Pub. L. 115-232, div. A, title VIII, §§808(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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.

PRIOR PROVISIONS

A prior section 7345, added Pub. L. 101-189, div. A, title I, §153(a)(1), Nov. 29, 1989, 103 Stat. 1387, related to submission of annual reports to Armed Services and Appropriations Committees of Senate and House of Representatives addressing aircraft requirements of the Navy, 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, §809(a), substituted “section 7344” for “section 3964”.

Pub. L. 115-232, §808(b)(13), renumbered section 3965 of this title as this section.

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

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

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.

**§ 7346. 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, §3966; 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; renumbered §7346, Pub. L. 115-232, div. A, title VIII, §808(b)(13), Aug. 13, 2018, 132 Stat. 1839.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3966(a) .....	10:1001.	June 29, 1948, ch. 708, §§201, 301(a), 62 Stat. 1084, 1087.
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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3966(a) .....	10 App.:1001.	July 24, 1956, ch. 677, §2(f), (g), 70 Stat. 623.
3966(b) .....	10 App.:1036.	

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3966 of this title as this section.

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.

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 745—COMPUTATION OF RETIRED PAY**

Sec. 7361. Computation of retired pay.

Sec.  
7362.      Recomputation of retired pay to reflect advancement on retired list.

AMENDMENTS

2018—Pub. L. 115–232, div. A, title VIII, §808(e)(2)(B), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 371 of this title as this chapter and items 3991 and 3992 as 7361 and 7362, respectively.

§ 7361. 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

(B) 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.

(2) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—If a member who is retired under section 7314 of this title has been credited by the Secretary of the Army with extraordinary heroism in the line of duty, the member's retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

(b) GENERAL RULES.—

(1) USE OF MOST FAVORABLE FORMULA.—If a person would otherwise be entitled to retired pay computed under more than one formula in subsection (a) 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.

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

(c) SPECIAL RULE FOR RETIRED RESERVE ENLISTED MEMBERS COVERED BY SECTION 7343.—In the case of a Reserve enlisted member retired under section 7314 of this title whose retired grade is determined under section 7343 of this title and who first became a member of a uniformed service before September 8, 1980, the retired pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the member's retired grade (determined based upon the rates of basic pay applicable on the date of the member's retirement), and that amount shall be used for the purposes of subsection (a)(1)(A) rather than the amount computed under section 1406(c) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 232, §3991; Pub. L. 85–155, title I, §101(23), Aug. 21, 1957, 71 Stat. 380; Pub. L. 85–422, §§6(1), (8), 11(a)(5), May 20, 1958, 72 Stat. 129, 131; Pub. L. 85–861, §1(101A), Sept. 2, 1958, 72 Stat. 1489; Pub. L. 88–132, §5(h)(2), Oct. 2, 1963, 77 Stat. 214; Pub. L. 90–207, §3(2), Dec. 16, 1967, 81 Stat. 653; Pub. L. 96–342,

title VIII, §813(c), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96–513, title V, §§502(21), (22), 512(10), Dec. 12, 1980, 94 Stat. 2910, 2929; Pub. L. 98–94, title IX, §§922(a)(7), 923(a)(1), (2)(F), Sept. 24, 1983, 97 Stat. 641, 642; Pub. L. 99–348, title II, §202(a), July 1, 1986, 100 Stat. 694; Pub. L. 103–337, div. A, title VI, §635(a)(2), Oct. 5, 1994, 108 Stat. 2788; Pub. L. 104–201, div. A, title V, §532(d)(1), Sept. 23, 1996, 110 Stat. 2520; renumbered §7361 and amended Pub. L. 115–232, div. A, title VIII, §§808(b)(14), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3991 Introductory paragraph.	10:156c (7th and 8th words). 10:166g(b) (7th word). 10:316b(b) (7th and 8th words).	R.S. 1274. Mar. 2, 1907, ch. 2515, §1 (less 1st 35 words, and less proviso), 34 Stat. 1217.
3991(A) ....	10:941a(a)(3) (proviso, less applicability to retired grade). 10:941a(e) (1st proviso of clause (1), less applicability to retired grade). 10:166g(a) (less 1st 49 words; less 1st proviso; and less 1st 84 words of last proviso).	June 3, 1916, ch. 134, §4c (24 words before proviso); added June 4, 1920, ch. 227, §4 (last 18 words of 4th sentence of 7th par.); May 12, 1939, ch. 127 (75th through 91st words); Oct. 14, 1940, ch. 858, §1 (last 26 words); restated June 29, 1945, ch. 197 (21 words before proviso); restated Aug. 7, 1947, ch. 512, §513(c) (24 words before proviso), 61 Stat. 902.
3991(B) ....	10:941a(a)(3) (less 31st through 42d words, and less proviso). 10:941a(e) (clause (1), less 1st 25, and 59th through 113th, words; and less 1st proviso).	July 31, 1935, ch. 422, §5 (less 1st 101 words, and less 3d proviso); restated June 13, 1940, ch. 344, §3 (less 1st 45 words, and less 2d proviso), 54 Stat. 380; Aug. 7, 1947, ch. 512, §§514(g), 521(a), 61 Stat. 906, 912; June 29, 1948, ch. 708, §202 (less 1st 105 words), 62 Stat. 1084.
3991(C) ....	10:971. 10:971b (less 1st 100 words, and less 1st and 3d provisos).	Oct. 6, 1945, ch. 393, §4 (less 1st sentence); restated Aug. 10, 1946, ch. 952, §6(a) (less 1st sentence), 60 Stat. 996, Aug. 10, 1946, ch. 952, §6(c), 60 Stat. 996, Apr. 16, 1947, ch. 38, §108(a) (less 1st 49 words, and less 1st 84 words of last proviso), 61 Stat. 44.
3991(D) ....	10:948 (less 1st sentence, and less 1st and last provisos of last sentence).	Apr. 16, 1947, ch. 38, §108(b) (less 1st 5, and 8th through 76th, words; less 20 words before proviso; and less proviso); restated May 16, 1950, ch. 186, §3(d)(b) (less 1st 5, and 8th through 76th, words; less 20 words before proviso; and less proviso), 64 Stat. 161.
3991(E) ....	10:980.	Aug. 4, 1947, ch. 459, §102(c) (less 1st 6, 9th through 43d, and last 13, words), 61 Stat. 735.
3991 Foot-note 1.	10:506b(d) (1st proviso). 10:1079a(b) (proviso).	Aug. 7, 1947, ch. 512, §§504(d) (1st proviso), 514(a)(3) (less 31st through 42d words; and less proviso, less applicability to retired grade), 514(e) (clause (1), less 1st 25, and 59th through 93d, words; and less 1st proviso, as applicable to retired grade), 520(b) (proviso), 61 Stat. 888, 902, 905, 912.
3991 Foot-note 2.	10:156c (less 1st 43, and last 13, words). 10:166g(b) (less 1st 76 words, less 20 words before proviso, and less proviso). 10:316b(b) (less 1st 54, and last 13, words). 10:1002 (34 words before proviso, and proviso). 10:1003 (last 40 words). 10:1026 (24 words before proviso).	
3991 Foot-note 3.	[No source].	
3991 Foot-note 4.	10:166g(a) (1st proviso). 10:941a(e) (94th through 113th words of clause (1)). 10:948 (last proviso of last sentence). 10:971b (1st proviso). 37:272(d) (1st proviso). 10:948 (1st proviso of last sentence).	
3991 Foot-note 5.		