

EFFECTIVE DATE

Section applicable with respect to releases from active duty described in this section, sections 7251 and 9251 of this title, and section 2748 of Title 14, Coast Guard, on or after Oct. 1, 1998, see section 644(e) of Pub. L. 105-261, set out as a note under section 7251 of this title.

**§ 8262. Higher retired grade and pay for members who serve satisfactorily under temporary appointments**

(a) Unless otherwise entitled to a higher retired grade and subject to sections 689 and 1370 of this title, each member, other than a retired member, of the Navy or the Marine Corps shall, when retired, be advanced on the retired list to the highest officer grade in which he served satisfactorily under a temporary appointment as determined by the Secretary of the Navy.

(b) Each member (other than a former member of the Fleet Reserve or the Fleet Marine Corps Reserve) who is advanced on the retired list under this section is (unless otherwise entitled to higher retired pay) entitled to retired pay determined in accordance with the following table. References in the table are to sections of this title.

Column 1 Take	Column 2 Multiply by
Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.

(c) Each former member of the Fleet Reserve or the Fleet Marine Corps Reserve who is advanced on the retired list under this section is entitled to retired pay determined in accordance with the following table. References in the table are to sections of this title.

Column 1 Take	Column 2 Multiply by
Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the number of years of service creditable for his retainer pay at the time of retirement.

(d) A member who is advanced on the retired list under this section from the grade of warrant officer, W-1, or from an enlisted grade to a commissioned grade, and who applies to the Secretary within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted grade, as the case may be. A member who is restored to his former grade under this subsection is thereafter considered for all purposes as a warrant officer, W-1, or an enlisted member, as the case may be.

(e) Retired pay computed under subsection (b) or (c), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 385, §6151; Pub. L. 85-422, §11(a)(6)(A), May 20, 1958, 72 Stat. 131; Pub. L. 85-861, §1(138), (139)(A), Sept. 2, 1958, 72 Stat. 1507, 1508; Pub. L. 88-132, §5(h)(4), Oct. 2, 1963, 77 Stat. 214; Pub. L. 96-342, title VIII, §813(d)(13), Sept. 8, 1980, 94 Stat. 1108; Pub. L.

96-513, title V, §§503(45), 513(17), Dec. 12, 1980, 94 Stat. 2914, 2932; Pub. L. 98-94, title IX, §§922(a)(9), 923(c)(1), Sept. 24, 1983, 97 Stat. 641, 643; Pub. L. 99-348, title II, §203(c), July 1, 1986, 100 Stat. 696; Pub. L. 104-201, div. A, title V, §521(d), Sept. 23, 1996, 110 Stat. 2517; renumbered §8262, Pub. L. 115-232, div. A, title VIII, §807(b)(10), Aug. 13, 2018, 132 Stat. 183.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6151 .....	34 U.S.C. 350i(b)(2), (e).	July 24, 1941, ch. 320, §10(b)(2), (e), 55 Stat. 605; Feb. 21, 1946, ch. 34, §8(a), 60 Stat. 28.
	34 U.S.C. 410c(a), (b), (c).	Feb. 21, 1946, ch. 34, §7(a) (less 1st proviso), (b), (c), 60 Stat. 27; Aug. 7, 1947, ch. 512, §432(a), 61 Stat. 881.
	34 U.S.C. 43g(c).	Apr. 16, 1947, ch. 38, §207(d), 61 Stat. 49; redesignated (c), Aug. 7, 1947, ch. 512, §434(d), 61 Stat. 882; May 16, 1950, ch. 186, §3(h), 64 Stat. 162.
	34 U.S.C. 43g(f), (g).	Apr. 16, 1947, ch. 38, §207(g), (h), 61 Stat. 47; redesignated (f), (g), Aug. 7, 1947, ch. 512, §434(d), 61 Stat. 882.
	34 U.S.C. 410r(a), (g), (h).	June 12, 1948, ch. 449, §207(a), (g), (h), 62 Stat. 366.
	34 U.S.C. 625h(a).	June 12, 1948, ch. 449, §213(a), 62 Stat. 369.
	34 U.S.C. 993c.	June 19, 1948, ch. 540, §3, 62 Stat. 505.

Subsections (b) and (c) are worded to conform to the terminology of the Career Compensation Act of 1949 (37 U.S.C. 231 et seq.). The second and third provisos in 34 U.S.C. 410c(a), relating to the computation of retired pay for officers whose pay on the active list was not based on years of service, are omitted as obsolete, since under the Career Compensation Act of 1949, the active-duty pay of all officers is based on years of service.

In subsection (d) the words "A retired member who is advanced \* \* \* from the grade of warrant officer, W-1, or from an enlisted grade" are substituted for the words "Enlisted men and warrant officers \* \* \* advanced" and the words "as a warrant officer, W-1, or an enlisted member" are substituted for the words "to be enlisted or warrant officer personnel" because the Warrant Officer Act of 1954 established the grade of warrant officer, W-1, in lieu of the old warrant officer (as distinguished from commissioned warrant officer) grades. The words "rank or" are omitted as unnecessary. The words "within three months of the date of the approval of this Act" and "whichever is the later" are omitted as executed.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6151(a) .....	34 App. 350i(b)(2).	May 31, 1956, ch. 348, §3, 70 Stat. 222.

Reference to the provisions of law under which temporary appointments in officer grades were made is omitted as unnecessary, since the provisions cited comprise all existing authority for such appointments.

PRIOR PROVISIONS

A prior section 8262, acts Aug. 10, 1956, ch. 1041, 70A Stat. 506; Sept. 2, 1958, Pub. L. 85-861, §1(166)(A), 72 Stat. 1516, provided for extension of enlistment of members of the Air Force needing medical care or hospitalization, prior to repeal by Pub. L. 90-235, §2(a)(4)(B), Jan. 2, 1968, 81 Stat. 756.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6151 of this title as this section.

1996—Subsec. (a). Pub. L. 104-201 substituted “sections 689” for “sections 688”.

1986—Subsec. (b). Pub. L. 99-348 amended subsec. (b) generally, substituting provision that retired pay be determined in accordance with the table for provision that retired pay, in the case of a member who first became a member of a uniformed service, as defined in section 1407(a)(2), before Sept. 8, 1980, be at the rate of 2½ percent of the basic pay of the grade to which advanced or, in the case of a member who first became a member of a uniformed service, as defined in section 1407(a)(2), on or after Sept. 8, 1980, be at a rate of 2½ percent of the monthly retired pay base computed under section 1407(d), which rates were to be multiplied by the number of years of service credited under section 1405, but such retired pay was not to be more than 75 percent of the basic pay or monthly retired pay base upon which the computation of retired pay was based and, in determining the number of years to be used as a multiplier, each additional full month of service was to be counted as one-twelfth of a year and any remaining fractional part of a month was to be disregarded.

Subsec. (c). Pub. L. 99-348 amended subsec. (c) generally, substituting provision that retired pay of a former member be determined in accordance with the table for provision that retired pay, in the case of a former member who first became a member of a uniformed service, as defined in section 1407(a)(2), before Sept. 8, 1980, be at a rate of 2½ percent of the basic pay of the grade to which advanced, determined by the same period of service used to determine the basic pay of the grade upon which his retainer pay was based, multiplied by the number of years of creditable service for his retainer pay at the time of retirement, but such retired pay was not to be more than 75 percent of the basic pay upon the computation of retired pay was based, or in the case of a former member who first became a member of a uniformed service, as defined in section 1407(a)(2), on or after Sept. 8, 1980, that retired pay be at a rate of 2½ percent of the monthly retired pay base computed under section 1407(d), multiplied by the number of years of creditable service for his retainer pay at the time of retirement, but such retired pay was not to be more than 75 percent of the monthly retired pay base upon which the computation of retired pay was based.

1983—Subsec. (b)(2). Pub. L. 98-94, § 923(c)(1), substituted “each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded” for “a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded”.

Subsec. (e). Pub. L. 98-94, § 922(a)(9), added subsec. (e).

1980—Subsec. (a). Pub. L. 96-513, § 503(45), inserted “and subject to sections 688 and 1370 of this title” after “retired grade”.

Subsec. (b). Pub. L. 96-513, § 513(17), substituted “September 8, 1980” for “the date of the enactment of the Department of Defense Authorization Act, 1981” wherever appearing.

Pub. L. 96-342 amended subsec. (b) generally, designating existing provisions as pars. (1) and (2) and, as so amended, in par. (1) designated existing provisions as subpar. (A), as so designated, inserted provision limiting applicability to members who became members of the uniformed services before the date of the enactment of the Department of Defense Authorization Act, 1981, and added subpar. (B).

Subsec. (c). Pub. L. 96-513, § 513(17), substituted “September 8, 1980” for “the date of the enactment of the Department of Defense Authorization Act, 1981” wherever appearing.

Pub. L. 96-342 designated existing provisions as par. (1), inserted provision limiting applicability to members who became members of the uniformed services be-

fore the date of the enactment of the Department of Defense Authorization Act, 1981, and added par. (2).

1963—Subsec. (b). Pub. L. 88-132 substituted “of” for “to which he would be entitled if serving on active duty in” after “2½ percent of the basic pay.”

1958—Pub. L. 85-861, § 1(139)(A), substituted “who serve satisfactorily under temporary appointments” for “temporarily appointed or promoted during World War II” in section catchline.

Subsec. (a). Pub. L. 85-861, § 1(138), struck out provisions which restricted application of section to members of the Navy or the Marine Corps who were appointed or promoted under the act of July 24, 1941, ch. 320, 55 Stat. 603.

Subsec. (b). Pub. L. 85-422 substituted “that may be credited to him under section 1405 of this title” for “creditable for basic pay”.

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. 104-201 effective Sept. 30, 1997, see section 521(b) of this title, set out as an Effective Date note under section 688 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 503(45) of Pub. L. 96-513 effective Sept. 15, 1981, and amendment by section 513(17) 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 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

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

**§ 8263. Emergency shore duty: advance of funds**

Under such regulations as the President approves, the Secretary of the Navy may, to meet necessary expenses, advance funds to members of the naval service detailed on emergency shore duty. The funds advanced may not exceed the reasonable estimate of expenses to be incurred for which reimbursement is authorized.

(Aug. 10, 1956, ch. 1041, 70A Stat. 386, § 6152; renumbered § 8263, Pub. L. 115-232, div. A, title VIII, § 807(b)(10), Aug. 13, 2018, 132 Stat. 1835.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6152 .....	34 U.S.C. 885.	May 22, 1928, ch. 688, 45 Stat. 712.

The words “public”, “actual”, and “by law” are omitted as surplusage.