

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. 555, §8965; Pub. L. 100-180, div. A, title V, §512(d)(3), Dec. 4, 1987, 101 Stat. 1090; Pub. L. 100-456, div. A, title XII, §1233(i)(2)(A), Sept. 29, 1988, 102 Stat. 2058; renumbered §9345 and amended Pub. L. 115-232, div. A, title VIII, §806(b)(14), 809(a), Aug. 13, 2018, 132 Stat. 1833, 1840.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8965 .....	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 9345, added Pub. L. 105-85, div. A, title V, §542(c)(1), Nov. 18, 1997, 111 Stat. 1742; amended Pub. L. 106-65, div. A, title V, §535(c), Oct. 5, 1999, 113 Stat. 606; Pub. L. 109-364, div. A, title V, §531(c), Oct. 17, 2006, 120 Stat. 2199, related to exchange program with foreign military academies, prior to repeal by Pub. L. 114-328, div. A, title XII, §1248(b)(1), Dec. 23, 2016, 130 Stat. 2525.

Another prior section 9345, act Aug. 10, 1956, ch. 1041, 70A Stat. 565, related to selection of Filipinos for instruction at the Air Force Academy, prior to repeal by Pub. L. 98-94, title X, §1004(c)(2), (d), Sept. 24, 1983, 97 Stat. 660, effective one year after Sept. 24, 1983.

A prior section 9345a, added Pub. L. 110-417, [div. A], title V, §541(c)(1), Oct. 14, 2008, 122 Stat. 4456; amended Pub. L. 113-291, div. A, title V, §553(c), Dec. 19, 2014, 128 Stat. 3377, related to foreign and cultural exchange activities, prior to repeal by Pub. L. 114-328, div. A, title XII, §1248(b)(1), Dec. 23, 2016, 130 Stat. 2525.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8965 of this title as this section and substituted “section 9344” for “section 8964”.

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

1987—Pub. L. 100-180 struck out “Regular” before “Air Force 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.

### § 9346. Retired lists

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

(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 Air Force, other than of the Regular Air Force; and

(2) each retired warrant officer or enlisted member of the Air Force 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 Air Force.

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 556, §8966; Pub. L. 85-861, §1(199), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 100-180, div. A, title V, §512(d)(3), Dec. 4, 1987, 101 Stat. 1090; renumbered §9346, Pub. L. 115-232, div. A, title VIII, §806(b)(14), Aug. 13, 2018, 132 Stat. 1833.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8966(a) .....	10:1001.	June 29, 1948, ch. 708, §§201, 301(a), 62 Stat. 1084, 1087.
8966(b) .....	10:1036.	
8966(c) .....	[No source].	
8966(d) .....	[No source].	

In subsections (a), (b), and (d), the word “maintain” is substituted for the word “establish”, and in subsection (c) the word “maintain” is substituted for the word “established”, 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.

In subsection (b), the word “shall” is substituted for the word “may”, since 10:1036 further requires that such a list be published annually in the Register. The requirement as to publication necessarily implies that the list must be maintained.

Subsection (b)(1) is substituted for the words “all commissioned officers and former commissioned officers \* \* \* or the Air Force of the United States, as the case may be \* \* \* or the Regular Air Force, 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 \* \* \* or the Regular Air Force”.

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 \* \* \* or the Air Force 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 8964 and 8965 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)
8966(a) .....	10 App.:1001.	July 24, 1956, ch. 677, §2(f), (g), 70 Stat. 623.
8966(b) .....	10 App.:1036.	

#### PRIOR PROVISIONS

Prior sections 9346 to 9356 were renumbered sections 9446 to 9456 of this title, respectively.

Another prior section 9356, added Pub. L. 103-337, div. A, title V, §556(c)(1), Oct. 5, 1994, 108 Stat. 2775, related to position of athletic director of Academy and to administration of nonappropriated fund account for athletics program of Academy, prior to repeal by Pub. L. 104-106, div. A, title V, §533(c)(1), Feb. 10, 1996, 110 Stat. 315.

Prior sections 9357 to 9360 were renumbered sections 9457 to 9460 of this title, respectively.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8966 of this title as this section.

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

1958—Pub. L. 85-861 struck out provisions in subsecs. (a) and (b) which required annual publication in official Air Force 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 945—COMPUTATION OF RETIRED PAY**

- Sec. 9361. Computation of retired pay.
- 9362. Recomputation of retired pay to reflect advancement on retired list.

PRIOR PROVISIONS

A prior chapter 945, consisting of sections 9711 to 9713, related to disposition of effects of deceased persons, prior to renumbering as chapter 975 of this title.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §806(d)(3)(B)(ii), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 871 of this title as this chapter and items 8991 and 8992 as 9361 and 9362, respectively.

**§ 9361. Computation of retired pay**

(a) COMPUTATION.—

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

(A) the member’s retired pay base (as computed under section 1406(e) 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 9314 of this title has been credited by the Secretary of the Air Force 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 9343.—In

the case of a Reserve enlisted member retired under section 9314 of this title whose retired grade is determined under section 9343 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(e) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 556, §8991; Pub. L. 85-155, title III, §301(22), Aug. 21, 1957, 71 Stat. 389; Pub. L. 85-422, §§6(6), (8), 11(a)(9), May 20, 1958, 72 Stat. 129, 131; Pub. L. 85-861, §1(199A), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 87-651, title I, §127, Sept. 7, 1962, 76 Stat. 514; Pub. L. 88-132, §5(h)(2), Oct. 2, 1963, 77 Stat. 214; Pub. L. 90-207, §3(5), Dec. 16, 1967, 81 Stat. 654; Pub. L. 96-342, title VIII, §813(e), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 96-513, title V, §§504(22), 514(8), Dec. 12, 1980, 94 Stat. 2917, 2935; Pub. L. 98-94, title IX, §§922(a)(12), 923(a)(1), (2)(H), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 99-348, title II, §204(a), July 1, 1986, 100 Stat. 697; Pub. L. 103-337, div. A, title VI, §635(c)(2), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104-201, div. A, title V, §532(d)(3), Sept. 23, 1996, 110 Stat. 2520; renumbered §9361 and amended Pub. L. 115-232, div. A, title VIII, §§806(b)(15), 809(a), Aug. 13, 2018, 132 Stat. 1833, 1840.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8991 Introductory paragraph.	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).	R.S. 1274. Mar. 2, 1907, ch. 2515, §1 (less 1st 35 words, and less proviso), 34 Stat. 1217. July 31, 1935, ch. 422, §5 (less 1st 101 words, and less 3d proviso); re-stated 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.
8991(A) ....	10:941a(a)(3) (less 31st through 42d words, and less proviso).	
8991(B) ....	10:941a(e) (clause (1), less 1st 25, and 59th through 113th, words; and less 1st proviso).	
8991(C) ....	10:971. 10:971b (less 1st 100 words, and less 1st and 3d proviso).	Oct. 6, 1945, ch. 393, §4 (less 1st sentence); re-stated Aug. 10, 1946, ch. 952, §6(a) (less 1st sentence), 60 Stat. 996.
8991(D) ....	10:948 less (1st sentence, and less 1st and last provisos of last sentence).	Aug. 10, 1946, ch. 952, §6(c), 60 Stat. 996.