

Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013” for “January 6, 2006, and ending on December 31, 2008”.

2006—Subsec. (a)(2). Pub. L. 109-364 struck out second comma after “subparagraph (B)” in subpar. (A) and substituted “January 6, 2006,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006” in subpar. (B).

Pub. L. 109-163, § 502(b), designated existing provisions as subpar. (A), substituted “during the period specified in subparagraph (B),” for “during the period beginning on October 1, 1990, and ending on December 31, 2001”, and added subpar. (B).

Subsec. (f). Pub. L. 109-163, § 515(b)(1)(H), substituted “Navy Reserve” for “Naval Reserve”.

2000—Subsec. (a)(2). Pub. L. 106-398 substituted “December 31, 2001” for “September 30, 2001”.

1998—Subsec. (a)(2). Pub. L. 105-261 substituted “during the period beginning on October 1, 1990, and ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990”.

1993—Subsec. (a)(2). Pub. L. 103-160 substituted “nine-year period” for “five-year period”.

1990—Subsec. (a). Pub. L. 101-510 designated existing provisions as par. (1) and added par. (2).

1986—Subsec. (e). Pub. L. 99-348 substituted provision that retired pay be computed under section 6333 for provision that retired pay, in the case of an officer 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 in which retired, or in the case of an officer who first became a member of a uniformed service, as defined in section 1407(a)(2), on or after Sept. 8, 1980, be at the 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.

1980—Subsec. (c). Pub. L. 96-513, § 503(47)(A), substituted provisions that the retired grade of an officer retired under this section is the grade determined under section 1370 of this title for provisions that had set the grade of officers retired under this section at the highest grade, permanent or temporary, in which he had served satisfactorily on active duty as determined by the Secretary of the Navy; or, if the Secretary determined that he had not served satisfactorily in his highest temporary grade, in the next lower grade in which he had served, but not lower than his permanent grade.

Subsec. (e). 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 officers who became members of the uniformed services before the date of the enactment of the Department of Defense Authorization Act, 1981, and added par. (2).

1963—Subsec. (e). 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—Subsec. (a). Pub. L. 85-861 substituted “first day of any month” for “first day of the month”.

Subsec. (b). Pub. L. 85-861 inserted provisions in cl. (2).

Subsecs. (c) to (f). Pub. L. 85-861 added subsecs. (c) to (e) and redesignated former subsec. (c) as (f).

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 1980 AMENDMENT

Amendment by section 503(47) 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.

TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Navy, during the period beginning Oct. 23, 1992, and ending Oct. 1, 1995, to apply this section to an officer with at least 15 but less than 20 years of service by substituting “at least 15 years” for “at least 20 years” in subsec. (a) of this section, see section 4403 of Pub. L. 102-484, set out as a note under section 1293 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) to approve application of an officer of Navy or Marine Corps for retirement after completion of more than 20 years of active service and to designate month in which such retirements shall become effective delegated to Secretary of Defense to perform, without approval, ratification, or other action by President, and with authority for Secretary to redelegate, see Ex. Ord. No. 12396, §§1(e), 3, Dec. 9, 1982, 47 F.R. 55897, 55898, set out as a note under section 301 of Title 3, The President.

For delegation to Secretary of Homeland Security of authority vested in President, see section 2(g) of Ex. Ord. No. 10637, Sept. 16, 1955, 20 F.R. 7025, as amended, set out as a note under section 301 of Title 3, The President.

§ 8324. Officers: creditable service

For the purpose of this chapter, service as a nurse in the armed forces before April 16, 1947, is considered as commissioned service.

(Aug. 10, 1956, ch. 1041, 70A Stat. 394, § 6324; Pub. L. 86-197, § 1(6), Aug. 25, 1959, 73 Stat. 426; Pub. L. 89-609, § 1(15), Sept. 30, 1966, 80 Stat. 853; Pub. L. 90-130, § 1(23)(A), Nov. 8, 1967, 81 Stat. 380; renumbered § 8324, Pub. L. 115-232, div. A, title VIII, § 807(b)(15), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6324	34 U.S.C. 43g(h).	Apr. 16, 1947, ch. 38, § 207(i), 61 Stat. 50; redesignated (h), Aug. 7, 1947, ch. 512, § 434(d), 61 Stat. 882.

The words “or the reserve components thereof” are omitted because “Army”, “Navy”, and “Air Force”, as defined in this title, include the reserve components.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6324 of this title as this section.

1967—Pub. L. 90-130 substituted provision reciting simply that service as a nurse in the armed forces before April 16, 1947, is considered as commissioned service for purposes of this chapter for provisions making specific reference to service under an appointment or contract or as a commissioned officer in the Nurse Corps of the Army or the Navy or as a commissioned officer of the Air Force designated as an Air Force Nurse.

1966—Pub. L. 89-609 substituted “the person’s” for “her” in introductory text in two places.

1959—Pub. L. 86-197 substituted “a regular officer or a reserve officer” for “an officer”.

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.

AUTHORITY OF MILITARY DEPARTMENT SECRETARIES TO CONVENE BOARDS TO RECOMMEND DEFERMENT OF RETIREMENT OR SEPARATION OF NURSES

Secretaries authorized until July 1, 1972, to convene boards of officers to consider and recommend deferment of separation or retirement of officers of the Army Nurse Corps, officers of the Navy Nurse Corps, and Air Force nurses, as needs of the service require, see section 4(f) of Pub. L. 90-130, set out as a note under section 7069 of this title.

§ 8325. Officers: retired grade and pay

(a) Except as provided in subsection (b) or section 1370¹ of this title, each officer who is retired under section 8321 or 8322 of this title—

(1) unless otherwise entitled to a higher grade, shall be retired in the grade in which he was serving at the time of retirement; and

(2) unless otherwise entitled to higher pay, is entitled to retired pay computed under section 8333 of this title.

(b) Each officer who is retired while serving in the grade of admiral, vice admiral, general, or lieutenant general by virtue of an appointment under section 601 of this title or who is retired while serving in a grade to which he was appointed or promoted under section 603 of this title or promoted under section 602¹ (as in effect before February 1, 1992) or section 5721¹ of this title—

(1) unless otherwise entitled to a higher grade, shall be retired in the grade he would hold if he had not received such an appointment; and

(2) unless otherwise entitled to higher pay, is entitled to retired pay computed under section 8333 of this title.

(c) A warrant officer who retires under section 8321, 8322, or 8323 of this title may elect to be placed on the retired list in the highest grade and with the highest retired pay to which he is entitled under any provision of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 394, §6325; Pub. L. 85-422, §11(a)(6)(B), May 20, 1958, 72 Stat. 131; Pub. L. 85-861, §1(143), Sept. 2, 1958, 72 Stat. 1509; Pub. L. 88-132, §5(h)(4), Oct. 2, 1963, 77 Stat. 214; Pub. L. 95-377, §7, Sept. 19, 1978, 92 Stat. 721; Pub. L. 96-342, title VIII, §813(d)(3), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96-513, title V, §§503(47)(B), 513(17), Dec. 12, 1980, 94 Stat. 2914, 2932; Pub. L. 97-22, §10(b)(8), July 10, 1981, 95 Stat. 137; Pub. L. 99-348, title I, §104(c)(2), title II, §203(b)(3), July 1, 1986, 100 Stat. 691, 696; Pub. L. 102-484, div. A, title X, §1052(39), Oct. 23, 1992, 106 Stat. 2501; renumbered §8325 and amended Pub. L. 115-232, div. A, title VIII, §§807(b)(15), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6325	34 U.S.C. 410m.	Aug. 7, 1947, ch. 512, §316(j), 61 Stat. 868.
	34 U.S.C. 626-1(a) (1st sentence).	Aug. 7, 1947, ch. 512, §314(a) (1st sentence), 61 Stat. 863; May 5, 1954, ch. 180, §205, 68 Stat. 68.
	34 U.S.C. 389 (1st sentence as applicable to grade).	R.S. 1457 (1st sentence as applicable to grade).
	34 U.S.C. 410c(a) (as applicable to retired pay of officers retired under 34 U.S.C. 410b).	Feb. 21, 1946, ch. 34, §7(a) (as applicable to retired pay of officers retired under §6), 60 Stat. 27; Aug. 7, 1947, ch. 512, §432(a), 61 Stat. 881.
	34 U.S.C. 43g(d).	Apr. 16, 1947, ch. 38, §207(e), 61 Stat. 49; redesignated (d), Aug. 7, 1947, ch. 512, §434(d), 61 Stat. 882; May 16, 1950, ch. 186, §3(i), 64 Stat. 162.
	34 U.S.C. 43g(f).	Apr. 16, 1947, ch. 38, §207(g), 61 Stat. 49; redesignated (f), Aug. 7, 1947, ch. 512, §434(d), 61 Stat. 882.
	34 U.S.C. 410r(a), (g).	June 12, 1948, ch. 449, §207(a), (g), 62 Stat. 366.
	34 U.S.C. 625h(a).	June 12, 1948, ch. 449, §213(a), 62 Stat. 369.
	34 U.S.C. 430(f) (as applicable to officers retired under 34 U.S.C. 381, 34 U.S.C. 383, and 34 U.S.C. 410b).	May 29, 1954, ch. 249, §14(f), 68 Stat. 163 (as applicable to officers retired under R.S. 1443, Act of May 13, 1908, ch. 166, 35 Stat. 128 (8th sentence, less proviso), and Act of Feb. 21, 1946, ch. 34, §6, 60 Stat. 27).

Title III of the Officer Personnel Act of 1947 authorizes temporary promotions to the grades of lieutenant through rear admiral. The purpose of §316(j) of that act (34 U.S.C. 410m) was to insure that each officer who is temporarily promoted under that Title, and who retires before he receives a permanent appointment in the grade in which he is serving, will be considered, for the purposes of the laws relating to retired grade and pay, to be serving in the grade he holds pursuant to his temporary appointment. Since §5001 of this title provides that an officer who holds a permanent appointment in one grade and a temporary appointment in a higher grade is considered as serving in the higher grade, a restatement of the substance of §316(j) is unnecessary and is omitted from subsection (a). The words "retired other than by reason of physical disability incurred in line of duty", in 34 U.S.C. 43g(d) and (f) and 34 U.S.C. 410r(g), are omitted as unnecessary, since this section relates only to officers who are voluntarily retired under this chapter. The words "basic pay to which he would be entitled if serving on active duty in the grade in which retired" are substituted for the words "active-duty pay with longevity credit of the rank with which retired" in 34 U.S.C. 410c(a), for the words "active-duty pay to which entitled at the time of retirement" in 34 U.S.C. 43g(d), and for the words "active-duty pay to which she would be entitled if serving, at the time of retirement, on active duty in the rank in which placed upon the retired list" in 34 U.S.C. 43g(f) and 34 U.S.C. 410r(g), to make clear the fact that the amount of retired pay is not permanently fixed at the time of retirement but is subject to change when rates of basic pay are changed, as provided in 34 U.S.C. 410q. The words "basic pay" are substituted for the words "active-duty pay" and the words "creditable for basic pay" are substituted for the words "for which entitled to credit in the computation of her active-duty pay", and for the words "for which entitled to credit in the computation of their pay while on active duty" to conform to the terminology used in the Career Compensation Act of 1949 (37 U.S.C. 231 et seq.)