

**§ 3043. Mandatory retirement for age****(a) Officers below grade of rear admiral (lower half)**

Unless retired or separated earlier, each officer on the lineal list of the commissioned corps who is serving in a grade below the grade of rear admiral (lower half) shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

**(b) Flag officers**

Notwithstanding subsection (a), the President may defer the retirement of an officer serving in a position that carries a grade above captain for such period as the President considers advisable, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 64 years of age.

(Pub. L. 107-372, title II, §243, Dec. 19, 2002, 116 Stat. 3089.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 853k of this title prior to repeal by Pub. L. 107-372.

**Executive Documents****DELEGATION OF FUNCTIONS**

Functions of President under subsec. (b) of this section delegated to Secretary of Commerce by section 1(e) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

**§ 3044. Retirement for length of service**

An officer who has completed 20 years of service, of which at least 10 years was service as a commissioned officer, may at any time thereafter, upon application by such officer and in the discretion of the President, be placed on the retired list.

(Pub. L. 107-372, title II, §244, Dec. 19, 2002, 116 Stat. 3089.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 853l of this title prior to repeal by Pub. L. 107-372.

**Executive Documents****DELEGATION OF FUNCTIONS**

Functions of President under this section delegated to Secretary of Commerce by section 1(f) of Ex. Ord. No. 11023, May 28, 1962, 27 F.R. 5131, as amended, set out as a note under section 301 of Title 3, The President.

**§ 3045. Computation of retired pay****(a) Officers first becoming members before September 8, 1980**

Each officer on the retired list who first became a member of a uniformed service before September 8, 1980, shall receive retired pay at the rate determined by multiplying—

(1) the retired pay base determined under section 1406(g) of title 10; by

(2) the retired pay multiplier determined under section 1409 of such title for the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces.

The retired pay so computed may not exceed 75 percent of the retired pay base.

**(b) Officers first becoming members on or after September 8, 1980**

Each officer on the retired list who first became a member of a uniformed service on or after September 8, 1980, shall receive retired pay at the rate determined by multiplying—

(1) the retired pay base determined under section 1407 of title 10; by

(2) the retired pay multiplier determined under section 1409 of such title for the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces.

**(c) Treatment of full and fractional parts of months in computing years of service****(1) In general**

In computing the number of years of service of an officer for the purposes of subsection (a)—

(A) each full month of service that is in addition to the number of full years of service creditable to the officer shall be credited as  $\frac{1}{12}$  of a year; and

(B) any remaining fractional part of a month shall be disregarded.

**(2) Rounding**

Retired pay computed under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(Pub. L. 107-372, title II, §245, Dec. 19, 2002, 116 Stat. 3089; Pub. L. 114-92, div. A, title VI, §631(c)(3), Nov. 25, 2015, 129 Stat. 844.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 853o of this title prior to repeal by Pub. L. 107-372.

**AMENDMENTS**

2015—Subsec. (a)(2). Pub. L. 114-92 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “ $\frac{2}{3}$  percent of the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces.”

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2015 AMENDMENT; IMPLEMENTATION**

Amendment by Pub. L. 114-92 effective Jan. 1, 2018, with certain implementation requirements, see section 635 of Pub. L. 114-92, set out as a note under section 8432 of Title 5, Government Organization and Employees.

**§ 3046. Retired grade and retired pay**

Each officer retired pursuant to law shall be placed on the retired list with the highest grade satisfactorily held by that officer while on ac-