

In subsection (a), the words “has at least” are substituted for the words “has completed”. The words “and is not so continued on active service” and “on that date which” are omitted as surplusage. 10:600(b)(2) (last 16 words of last sentence) and 34:430(b)(2) (last 16 words of last sentence) are omitted as covered by section 1315 of this title.

In subsection (b), the words “The Secretary concerned may defer” are substituted for the words “may, in the discretion of the Secretary, be deferred”. The words “determination of his” are inserted for clarity. The words “not more than” are substituted for the words “a period not to exceed”. The words “he would otherwise be required to retire under this section” are substituted for the words “retirement * * * would otherwise be required”. The words “which is required”, “possible”, “proper”, and “a period of” are omitted as surplusage.

In subsection (c), the words “the Secretary concerned may defer the retirement” are substituted for the words “in the discretion of the Secretary * * * be continued on active service”. The words “but not later than” are substituted for the words “but not beyond that date which is”.

Editorial Notes

REFERENCES IN TEXT

Section 511 of the Career Compensation Act of 1949, referred to in subsec. (a)(1), is section 511 of act Oct. 12, 1949, ch. 681, which was formerly set out as a note under section 580 of this title.

AMENDMENTS

2023—Subsec. (a)(3). Pub. L. 118-31, §509A(1), inserted “or a Marine Corps Marine Gunner warrant officer in such grade,” after “chief warrant officer, W-5.”

Subsec. (b). Pub. L. 118-31, §509A(2), substituted “when the warrant officer” for “when he”.

Subsec. (c). Pub. L. 118-31, §509A(3), substituted “as the Secretary concerned” for “as he” and “after the warrant officer” for “after he”.

2013—Subsec. (a)(1). Pub. L. 112-239, §504(1), substituted “Subject to paragraphs (2) and (3), a regular warrant officer” for “A regular warrant officer (other than a regular Army warrant officer)” and “date on which the officer” for “date on which he”.

Subsec. (a)(3). Pub. L. 112-239, §504(2), added par. (3).

2008—Subsec. (a). Pub. L. 110-417 designated existing provisions as par. (1), substituted “A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to the officer” for “A regular warrant officer who has at least 30 years of active service as a warrant officer that could be credited to him”, and added par. (2).

2006—Subsec. (a). Pub. L. 109-364 substituted “A regular warrant officer” for “(1) Except as provided in paragraph (2), a regular warrant officer (other than a regular Army warrant officer in the grade of chief warrant officer, W-5)”, inserted “as a warrant officer” after “years of active service” and “the date on which” after “60 days after”, and struck out par. (2) which read as follows:

“(2)(A) A regular Army warrant officer in the grade of chief warrant officer, W-5, who has at least 30 years of active service as a warrant officer that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114), shall be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.

“(B) A regular Army warrant officer in a warrant officer grade below the grade of chief warrant officer, W-5, who completes 24 years of active service as a warrant officer before he is required to be retired under paragraph (1) shall be retired 60 days after the date on which he completes 24 years of active service as a warrant officer, except as provided by section 8301 of title 5.”

1991—Subsec. (a). Pub. L. 102-190 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), a regular warrant officer (other than a regular Army warrant officer in the grade of chief warrant officer, W-5)” for “A permanent regular warrant officer”, and added par. (2).

1966—Subsec. (a). Pub. L. 89-718 substituted “8301” for “47a”.

1962—Subsec. (a). Pub. L. 87-649 substituted “section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114)” for “section 311 of title 37.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

§ 1315. Computation of retired pay: law applicable

A member of the armed forces retired under this chapter is entitled to retired pay computed under chapter 71 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 101.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 1315 | [No source]. | [No source]. |

The revised section is based on the various retirement provisions in this chapter and is inserted to make explicit the entitlement to retired pay upon retirement.

CHAPTER 67—RETIRED PAY FOR NON-REGULAR SERVICE

Sec.
1331. Reference to chapter 1223.

PRIOR PROVISIONS

A prior chapter 67 was transferred to part II of subtitle E of this title and renumbered chapter 1223.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-106, div. A, title XV, §1503(a)(13), Feb. 10, 1996, 110 Stat. 511, substituted “NON-REGULAR” for “NONREGULAR” in chapter heading.

§ 1331. Reference to chapter 1223

Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).

(Added Pub. L. 103-337, div. A, title XVI, §1662(j)(7), Oct. 5, 1994, 108 Stat. 3005.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 1331 to 1338 were renumbered sections 12731 to 12738 of this title, respectively.

CHAPTER 69—RETIRED GRADE

Sec.
1370. Regular commissioned officers.