

member attains 62 years of age, so as to be the amount equal to the amount of retired pay to which the member or former member would be entitled on that date if—

(1) increases in the retired pay of the member or former member under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3) of that section); and

(2) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, no reduction in the member's retired pay had been made under that section.

(Added Pub. L. 99-348, title I, §103, July 1, 1986, 100 Stat. 685; amended Pub. L. 100-224, §2, Dec. 30, 1987, 101 Stat. 1536; Pub. L. 101-189, div. A, title VI, §651(b)(4), Nov. 29, 1989, 103 Stat. 1460; Pub. L. 106-65, div. A, title VI, §§641(c), 643(b)(3)(A), Oct. 5, 1999, 113 Stat. 662, 664; Pub. L. 110-181, div. A, title VI, §661(b)(3), Jan. 28, 2008, 122 Stat. 178; Pub. L. 113-67, div. A, title IV, §403(b), Dec. 26, 2013, 127 Stat. 1186; Pub. L. 114-92, div. A, title VI, §631(d)(1), Nov. 25, 2015, 129 Stat. 845.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 322 of title 37 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008), referred to in text, means section 322 of title 37 as in effect before enactment of Pub. L. 110-181. Section 322 of title 37 was renumbered as section 354 of title 37 and amended by Pub. L. 110-181, div. A, title VI, §661(b)(1), (2), Jan. 28, 2008, 122 Stat. 178.

##### AMENDMENTS

2015—Par. (1). Pub. L. 114-92, §631(d)(1), which was approved Nov. 25, 2015, provided that the amendment made by Pub. L. 113-67, §403(b), which was effective Dec. 1, 2015, would not take effect. See 2013 Amendment note below.

2013—Par. (1). Pub. L. 113-67, §403(b), which directed substitution of “paragraph (3) or (4)” for “paragraph (3)”, did not take effect pursuant to Pub. L. 114-92, §631(d)(1). See 2015 Amendment note above.

2008—Pub. L. 110-181, in introductory provisions, substituted “section 322 (as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2008) or section 354” for “section 322”.

1999—Pub. L. 106-65 inserted “certain” before “members” in section catchline and “who has elected to receive a bonus under section 322 of title 37,” after “August 1, 1986,” in introductory provisions.

1989—Pub. L. 101-189, §651(b)(4), in introductory provisions, inserted “or former member” after “In the case of a member”, “the retired pay of such member”, “after the member”, and “to which the member”, and in par. (1), substituted “retired pay of the member or former member” for “member's retired pay”.

1987—Pub. L. 100-224 struck out heading “(a) General rule”, substituted provisions that the amount equal to the amount of retired pay to which the member would be entitled on that date if (1) increases in the member's retired pay under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3) of that section); and (2) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, no reduction in the member's retired pay had been made under that section, for provisions that the amount equal to (1) the amount of the member's initial unreduced retired pay, increased by (2) the percent (adjusted to the nearest one-tenth of 1 percent) by which (A) the price index for the most recent base quarter ending more than 31 days before the date the member attains 62 years of age, ex-

ceeds (B) the price index for the calendar quarter immediately before the date the member first became entitled to retired pay, and struck out subsec. (b) which had directed that, in this section, the term “initial unreduced retired pay” meant the amount of retired pay (A) to which the member was entitled when the member first became entitled to retired pay; or (B) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, to which the member would have been entitled on the date of the member's retirement without regard to that section, and the definitions in subsection (g), and the provisions of subsection (h), of section 1401a of this title applied to this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-67 effective Dec. 1, 2015, see section 403(c) of Pub. L. 113-67, set out as a note under section 1401a of this title. Amendment did not take effect pursuant to section 631(d)(1) of Pub. L. 114-92, set out as a Repeal of Reduced Cost-of-living Adjustments for Members Under the Age of 62 note under section 1401a of this title.

##### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 effective Oct. 1, 1999, see section 644 of Pub. L. 106-65, set out as a note under section 1401a of this title.

#### § 1411. Rules of construction

(a) CONSTRUCTION OF “FIRST BECAME A MEMBER”.—For purposes of this chapter and other provisions of law providing for computation of retired or retainer pay of members of the uniformed services, a person shall be considered to first become a member of a uniformed service on the date the person is first enlisted, inducted, or appointed in a uniformed service.

(b) REFERENCES IN TABLES.—Section references in tables in this chapter are to sections of this title.

(Added Pub. L. 99-348, title I, §105, July 1, 1986, 100 Stat. 691.)

#### § 1412. Administrative provisions

(a) ROUNDING.—Amounts computed under this chapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(b) PAYMENT DATE.—Amounts of retired pay and retainer pay due a retired member of the uniformed services shall be paid on the first day of each month beginning after the month in which the right to such pay accrues.

(Added Pub. L. 99-348, title I, §105, July 1, 1986, 100 Stat. 691; amended Pub. L. 111-383, div. A, title VI, §632(a), (b)(1), Jan. 7, 2011, 124 Stat. 4240.)

#### Editorial Notes

##### AMENDMENTS

2011—Pub. L. 111-383, §632(b)(1), substituted “Administrative provisions” for “Rounding to next lower dollar” in section catchline.

Pub. L. 111-383, §632(a), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title VI, §632(c), Jan. 7, 2011, 124 Stat. 4240, provided that: “Subsection (b) of section

1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act [Jan. 7, 2011].”

**[§ 1413. Repealed. Pub. L. 108-136, div. A, title VI, § 641(b), Nov. 24, 2003, 117 Stat. 1514]**

Section, added Pub. L. 106-65, div. A, title VI, § 658(a)(1), Oct. 5, 1999, 113 Stat. 668; amended Pub. L. 106-398, § 1 [[div. A], title VI, § 657(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-166; Pub. L. 107-107, div. A, title VI, § 641(b), (e)(1), (2), Dec. 28, 2001, 115 Stat. 1150, 1151; Pub. L. 107-314, div. A, title VI, § 636(b), Dec. 2, 2002, 116 Stat. 2576; Pub. L. 108-136, div. A, title VI, § 641(c)(1), Nov. 24, 2003, 117 Stat. 1514, related to special compensation for certain severely disabled uniformed services retirees.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

Repeal effective Jan. 1, 2004, and applicable to payments for months beginning on or after that date, see section 641(e) of Pub. L. 108-136, set out as an Effective Date of 2003 Amendment note under section 1414 of this title.

**§ 1413a. Combat-related special compensation**

(a) **AUTHORITY.**—The Secretary concerned shall pay to each eligible combat-related disabled uniformed services retiree who elects benefits under this section a monthly amount for the combat-related disability of the retiree determined under subsection (b).

(b) **AMOUNT.**—

(1) **DETERMINATION OF MONTHLY AMOUNT.**—Subject to paragraphs (2) and (3), the monthly amount to be paid an eligible combat-related disabled uniformed services retiree under subsection (a) for any month is the amount of compensation to which the retiree is entitled under title 38 for that month, determined without regard to any disability of the retiree that is not a combat-related disability.

(2) **MAXIMUM AMOUNT.**—The amount paid to an eligible combat-related disabled uniformed services retiree for any month under paragraph (1) may not exceed the amount of the reduction in retired pay that is applicable to the retiree for that month under sections 5304 and 5305 of title 38.

(3) **SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.**—

(A) **GENERAL RULE.**—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title, the amount of the payment under paragraph (1) for any month may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member’s service in the uniformed services if the member had not been retired under chapter 61 of this title.

(B) **SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.**—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of

creditable service, the amount of the payment under paragraph (1) for any month may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed the amount equal to the retired pay percentage (determined for the member under section 1409(b) of this title) of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

(c) **ELIGIBLE RETIREES.**—For purposes of this section, an eligible combat-related disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services who—

- (1) is entitled to retired pay (other than by reason of section 12731b of this title); and
- (2) has a combat-related disability.

(d) **PROCEDURES.**—The Secretary of Defense shall prescribe procedures and criteria under which a disabled uniformed services retiree may apply to the Secretary of a military department to be considered to be an eligible combat-related disabled uniformed services retiree. Such procedures shall apply uniformly throughout the Department of Defense.

(e) **COMBAT-RELATED DISABILITY.**—In this section, the term “combat-related disability” means a disability that is compensable under the laws administered by the Secretary of Veterans Affairs and that—

- (1) is attributable to an injury for which the member was awarded the Purple Heart; or
- (2) was incurred (as determined under criteria prescribed by the Secretary of Defense)—
  - (A) as a direct result of armed conflict;
  - (B) while engaged in hazardous service;
  - (C) in the performance of duty under conditions simulating war; or
  - (D) through an instrumentality of war.

(f) **COORDINATION WITH CONCURRENT RECEIPT PROVISION.**—Subsection (d) of section 1414 of this title provides for coordination between benefits under that section and under this section.

(g) **STATUS OF PAYMENTS.**—Payments under this section are not retired pay.

(h) **SOURCE OF PAYMENTS.**—Payments under this section for a member of the Army, Navy, Air Force, Marine Corps, or Space Force shall be paid from the Department of Defense Military Retirement Fund. Payments under this section for any other member for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

(i) **OTHER DEFINITIONS.**—In this section:

- (1) The term “service-connected” has the meaning given such term in section 101 of title 38.
- (2) The term “retired pay” includes retainer pay, emergency officers’ retirement pay, and naval pension.

(Added Pub. L. 107-314, div. A, title VI, § 636(a)(1), Dec. 2, 2002, 116 Stat. 2574; amended Pub. L. 108-136, div. A, title VI, §§ 641(c)(1), 642(a)-(e)(1), Nov. 24, 2003, 117 Stat. 1514, 1516, 1517; Pub. L. 110-181, div. A, title VI, § 641(a), (b), Jan. 28, 2008,