

each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month” for “Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months”.

1980—Pub. L. 96-513, §512(10), in heading for column 1 of the table substituted “after September 7, 1980” for “on or after the date of the enactment of the Department of Defense Authorization Act, 1981”.

Pub. L. 96-342 in heading for column 1 of the table inserted provisions respecting applicability to persons becoming members after the date of the enactment of the Department of Defense Authorization Act, 1981.

Pub. L. 96-513, §502(21), in table struck out Formula A and redesignated Formulas B, C, and D as A, B, and C, respectively.

Pub. L. 96-513, §502(22), in footnote numbered 1 to the table substituted “3962(b)” for “3962(c)”.

1967—Pub. L. 90-207 inserted “, or if the member has served as sergeant major of the Army, compute at the highest basic pay applicable to him while he so served, if such basic pay is greater” after “retirement” in footnote 3 of the table.

1963—Pub. L. 88-132 substituted in column 1 of Formula A in table “Monthly basic pay of member’s retired grade” for “Monthly basic pay to which member would be entitled if he were on active duty in his retired grade” and eliminated from footnote 2 to such table “and adjust to reflect later changes in applicable permanent rates. However, if member’s retired grade is determined under section 3963(a) or 3963(b), or if member has served 4 years as Chief of the Medical Service Corps, use pay to which member would be entitled if he were on active duty in his retired grade” after “date of retirement.”

1958—Pub. L. 85-861 substituted “section 3962(c)” for “section 3962(d)” in footnote 1, and “3963(a)” for “3962(c), 3963(a)” in footnote 2.

Formula B. Pub. L. 85-422, §11(a)(5), substituted “credited to him under section 1405 of this title” for “credited to him in determining basic pay” in Column 2.

Formula C. Pub. L. 85-422, §6(8), substituted “Monthly basic pay to which member was entitled on day before he retired” for “Monthly basic pay to which member was entitled on date when he applied for retirement” in Column 1.

Formula D. Pub. L. 85-422, §6(8), substituted “monthly basic pay to which member was entitled on day before he retired” for “Monthly basic pay of member’s retired grade” in Column 1.

Footnote 1. Pub. L. 85-422, §6(1), struck out provisions which related to inapplicability of section 3962(a), and inserted provisions permitting computation at the highest rates of basic pay applicable to an officer who has served as Chief of Staff while he served in that office.

1957—Pub. L. 85-155 redesignated formulas “B” to “E” of the table as formulas “A” to “D”. Former formula “A”, which related to computation of retirement pay for persons retired under former sections 3881, 3882, and 3912 of this title, was repealed by Pub. L. 85-155.

#### Statutory Notes and Related Subsidiaries

##### 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 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Re-

serve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

##### EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

##### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 502(21), (22) of Pub. L. 96-513 effective Sept. 15, 1981, and amendment by section 512(10) 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 1967 AMENDMENT

Amendment by Pub. L. 90-207 effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as a note under section 203 of Title 37, Pay and Allowances of the Uniformed Services.

##### 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.

##### EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-422, §6, May 20, 1958, 72 Stat. 129, provided in part that: “The amendments made by clauses (1)–(3), (6), (7), (8), and (9) of this section [to Formulas 1 and 2 and footnote 4 of section 1401, Formulas C and D and footnote 1 of this section, sections 5083, 5201, and 6326, and Formulas C and D and footnote 1 of section 8991 of this title] do not apply to any person who is retired, or to whom retired pay (including temporary disability retired pay) is granted, before the effective date of this Act [June 1, 1958].”

Amendment by Pub. L. 85-422 effective June 1, 1958, see section 9 of Pub. L. 85-422, May 20, 1958, 72 Stat. 130.

#### § 7362. Recomputation of retired pay to reflect advancement on retired list

(a) ENTITLEMENT TO RECOMPUTATION.—An enlisted member or warrant officer of the Army who is advanced on the retired list under section 7344 of this title is entitled to recompute his retired pay in accordance with this section.

(b) FORMULA.—The monthly retired pay of a member entitled to recompute that pay under this section is computed by multiplying—

(1) the member’s retired pay base (as computed under section 1406(c) or 1407 of this title), by

(2) 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.

(c) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (b), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 233, §3992; Pub. L. 96-342, title VIII, §813(c), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96-513, title V, §512(10), Dec. 12, 1980, 94 Stat. 2929; Pub. L. 97-295, §1(40), Oct. 12, 1982,

96 Stat. 1297; Pub. L. 98-94, title IX, §§ 922(a)(8), 923(a)(1), (2)(G), Sept. 24, 1983, 97 Stat. 641-643; Pub. L. 99-348, title II, § 202(b), July 1, 1986, 100 Stat. 695; Pub. L. 103-337, div. A, title VI, § 635(a)(3), Oct. 5, 1994, 108 Stat. 2788; renumbered § 7362 and amended Pub. L. 115-232, div. A, title VIII, §§ 808(b)(14), 809(a), Aug. 13, 2018, 132 Stat. 1839, 1840.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3992 .....	10:594 (last 39 words of 1st proviso). 10:1004 (30 words before proviso).	Aug. 21, 1941, ch. 384, § 5 (last 39 words of 1st proviso); restated June 29, 1948, ch. 708, § 203(c) (last 39 words of 1st proviso), 62 Stat. 1085; May 29, 1954, ch. 249, § 19(f), 68 Stat. 167; June 29, 1948, ch. 708, § 203(e) (30 words before proviso), 62 Stat. 1086.

The words “basic pay \* \* \* as the case may be” are inserted to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words “at the rate prescribed by law for his length of service”, in 10:1004, are omitted as covered by the words “base and longevity pay”. The words “base and longevity pay” are retained to cover the cases of members retired before the enactment of the Career Compensation Act of 1949, and advanced on the retired list after the enactment of that act. The words “and disregard a part of a year that is less than six months” are inserted to conform to footnote 4 of section 3991 of this title.

1982 ACT

This amends 10:3992 to correct an inadvertent error in the codification of title 10 in 1956 relating to retirement pay of warrant officers advanced on the retired list. For further details, see the explanation for amendment of 10:1405 made by section 1(17).

Editorial Notes

PRIOR PROVISIONS

A prior section 7362 was renumbered section 8702 of this title.

Another prior section 7362, act Aug. 10, 1956, ch. 1041, 70A Stat. 455, related to commercial use of naval facilities, prior to the general amendment of this chapter by Pub. L. 104-106.

A prior section 7363 was renumbered section 8703 of this title.

Another prior section 7363, act Aug. 10, 1956, ch. 1041, 70A Stat. 455, related to contract provisions for transfer of Navy equipment to private parties, prior to the general amendment of this chapter by Pub. L. 104-106.

A prior section 7364 was renumbered section 8704 of this title.

Another prior section 7364, act Aug. 10, 1956, ch. 1041, 70A Stat. 455, related to advancement of funds by the Secretary of the Navy to private companies for salvage operations, prior to repeal by Pub. L. 103-355, title II, § 2001(j)(1), Oct. 13, 1994, 108 Stat. 3303. See section 3808 of this title.

A prior section 7365, acts Aug. 10, 1956, ch. 1041, 70A Stat. 456; Aug. 29, 1972, Pub. L. 92-417, § 1(4), 86 Stat. 654, related to settlement of claims, prior to the general amendment of this chapter by Pub. L. 104-106. See section 8703 of this title.

A prior section 7366, act Aug. 10, 1956, ch. 1041, 70A Stat. 456, related to limitation on appropriations for naval salvage facilities, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 824(a)(10), Nov. 30, 1993, 107 Stat. 1708.

A prior section 7367, act Aug. 10, 1956, ch. 1041, 70A Stat. 456, related to disposition of receipts, prior to the

general amendment of this chapter by Pub. L. 104-106. See section 8704 of this title.

AMENDMENTS

2018—Pub. L. 115-232, § 808(b)(14), renumbered section 3992 of this title as this section.

Subsec. (a). Pub. L. 115-232, § 809(a), substituted “section 7344” for “section 3964”.

1994—Pub. L. 103-337 amended section generally. Prior to amendment, section contained table with two formulas for recomputing retired pay of enlisted members and warrant officers of Army to reflect advancement on retired list.

1986—Pub. L. 99-348 revised table generally by striking out provision in column 1 that for a person who first became a member of a uniformed service, as defined in section 1407(a)(2), after Sept. 7, 1980, one multiplier is the monthly retired pay base as computed under section 1407(c), substituting in formulas A and B provision that the retired pay base as computed under section 1406(c) or 1407 of this title be multiplied by the retired pay multiplier prescribed in section 1409 of this title for the number of years credited for provisions that the monthly basic pay or base and longevity pay, as the case may be, subject to footnote 1, of the grade to which the member is advanced on the retired list be multiplied by 2½% of years of service credited, subject to footnote 2, and have subtracted from it the excess over 75% of pay upon which the computation is based, struck out footnote 1, which provided that the computation be at the rate applicable on the date of retirement, and redesignated footnote 2 as 1 and substituted “In determining retired pay multiplier” for “Before applying percentage factor” and “1/12” for “one-twelfth”.

1983—Pub. L. 98-94, § 922(a)(8), inserted “The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

Pub. L. 98-94, § 923(a)(1), (2)(G), in footnote 2 of table, substituted “Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month” for “Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months”.

1982—Pub. L. 97-295 added formula B, applicable to warrant officers.

1980—Pub. L. 96-513 in heading for column 1 of table substituted “after September 7, 1980” for “on or after the date of the enactment of the Department of Defense Authorization Act, 1981”.

Pub. L. 96-342 in heading for column 1 of table inserted provisions respecting applicability to persons becoming members after the date of the enactment of the Department of Defense Authorization Act, 1981.

Statutory Notes and Related Subsidiaries

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 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to (1) the computation of retired or re- tainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, and (2) the recomputation of retired pay under this section, of any individual who after Sept. 30, 1983, becomes entitled to recompute re- tired pay under this section, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

**CHAPTER 747—CIVILIAN EMPLOYEES**

- Sec.
- 7371. Army War College and United States Army Command and General Staff College: civil- ian faculty members.
- 7374. Expert accountant for Inspector General.
- 7375. Production of supplies and munitions: hours and pay of laborers and mechanics.
- 7377. Certain civilian special agents: authority to execute warrants and make arrests.

**Editorial Notes**

AMENDMENTS

2024—Pub. L. 118-159, div. A, title XVI, §1613(a)(1), Dec. 23, 2024, 138 Stat. 2168, substituted “Certain civil- ian special agents:” for “Civilian special agents of the Criminal Investigation Command:” in item 7377. Amendment was made pursuant to operation of section 102 of this title.

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(2)(B), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 373 of this title as this chapter and items 4021, 4024, 4025, and 4027 as 7371, 7374, 7375, and 7377, respectively.

2000—Pub. L. 106-398, §1 [(div. A)], title V, §554(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-126, added item 4027.

1989—Pub. L. 101-189, div. A, title XI, §1124(b)(2), Nov. 29, 1989, 103 Stat. 1559, added item 4021.

1983—Pub. L. 98-94, title IX, §932(b)(2), Sept. 24, 1983, 97 Stat. 650, struck out item 4022 “Contract surgeons”.

1962—Pub. L. 87-651, title I, §116(2), Sept. 7, 1962, 76 Stat. 513, struck out item 4023 “Service club and li- brary services”.

1958—Pub. L. 85-861, §1(102), Sept. 2, 1958, 72 Stat. 1489, struck out item 4021 “Appointment: professional and scientific services”.

**Statutory Notes and Related Subsidiaries**

**AUTHORITY TO CONDUCT PILOT PROGRAM ON CIVILIAN CYBERSECURITY RESERVE**

Pub. L. 118-31, div. A, title XV, §1536, Dec. 22, 2023, 137 Stat. 567, provided that:

“(a) **AUTHORITY.**—The Secretary of the Army may conduct a pilot program to establish a Civilian Cybersecurity Reserve to provide to the United States Cyber Command manpower to effectively—

- “(1) preempt, defeat, deter, or respond to malicious cyber activity;
- “(2) conduct cyberspace operations;
- “(3) secure information and systems of the Depart- ment of Defense against malicious cyber activity; and
- “(4) assist in solving cyber workforce-related chal- lenges.

“(b) **CONDITIONS PRIOR TO CONDUCT OF PILOT PRO- GRAM.**—

“(1) **IMPLEMENTATION PLAN.**—The Secretary of the Army may not take any action to commence a pilot program pursuant to the authority under subsection (a) until the Secretary—

“(A) submits to the congressional defense com- mittees [Committees on Armed Services and Appro-

priations of the Senate and the House of Represent- atives] an implementation plan for the pilot pro- gram; and

“(B) provides to the congressional defense com- mittees a briefing on such implementation plan.

“(2) **PROGRAM GUIDANCE.**—If the Secretary of the Army intends to conduct a pilot program pursuant to the authority under subsection (a), prior to com- mencing such pilot program, the Secretary, in con- sultation with the Director of the Office of Personnel Management and the Director of the Office of Govern- ment Ethics, shall issue guidance for the establish- ment and implementation of the pilot program.

“(c) **CONDITIONS ON CONDUCT OF PILOT PROGRAM.**—Any pilot program conducted by the Secretary of the Army pursuant to the authority under subsection (a) shall be subject to the following:

“(1) **HIRING AUTHORITY; STATUS IN RESERVE.**—

“(A) **HIRING AUTHORITY.**—In conducting the pilot program, the Secretary of the Army may use any authority otherwise available to the Secretary for the recruitment, employment, and retention of civil- ian personnel within the Department, including the authority under section 1599f of title 10, United States Code.

“(B) **STATUS IN RESERVE.**—During the period be- ginning on the date on which an individual is re- cruited to serve in the Civilian Cybersecurity Re- serve and ending on the date on which the indi- vidual is appointed to the Civilian Cybersecurity Reserve, and during any period elapsing between any such appointments, the individual may not be considered a Federal employee.

“(2) **ELIGIBILITY; APPLICATION AND SELECTION.**—

“(A) **CRITERIA REQUIRED.**—The Secretary of the Army shall establish criteria for—

- “(i) individuals to be eligible to serve in the Ci- vilian Cybersecurity Reserve; and
- “(ii) the application and selection processes for service in the Civilian Cybersecurity Reserve.

“(B) **REQUIREMENTS FOR INDIVIDUALS.**—The cri- teria under subparagraph (A) shall include, with re- spect to an individual—

- “(i) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not fewer than 60 days before the individual may be ap- pointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and
- “(ii) cybersecurity expertise.

“(C) **PRESCREENING.**—The Secretary of the Army shall—

- “(i) prior to the appointment of an individual to the Civilian Cybersecurity Reserve, conduct a prescreening of the individual for any topic or product that would create a conflict of interest; and
- “(ii) require each individual so appointed to no- tify the Secretary if a potential conflict of inter- est arises during such appointment.

“(D) **AGREEMENT REQUIRED.**—The Secretary of the Army may only appoint an individual to the Civil- ian Cybersecurity Reserve if the individual enters into an agreement with the Secretary to serve in the Civilian Cybersecurity Reserve. Such agree- ment shall set forth the rights and obligations of the individual and the Army.

“(E) **EXCEPTION FOR CONTINUING MILITARY SERVICE COMMITMENTS.**—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not serve as a member of the Civilian Cybersecurity Reserve.

“(F) **PROHIBITION.**—No individual who is an officer or employee of the United States Government, in- cluding any member of the uniformed services, may be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

“(3) **SECURITY CLEARANCES.**—

“(A) **IN GENERAL.**—The Secretary of the Army shall ensure that each member of the Civilian