

commissioned officers; excessive number”, item 3921 “Thirty years or five years in grade: promotion-list colonels”, item 3923 “Thirty-five years or five years in grade: regular major generals”, and item 3927 “Computation of years of service: mandatory retirement; regular commissioned officers”.

Pub. L. 96-343, §9(a)(3), Sept. 8, 1980, 94 Stat. 1128, struck out “regular” before “enlisted members” in items 3914 and 3925.

1967—Pub. L. 90-130, §1(13), Nov. 8, 1967, 81 Stat. 376, struck out item 3915 “Twenty-five years: regular majors; Women’s Army Corps, Army Nurse Corps and Army Medical Specialist Corps”.

1957—Pub. L. 85-155, title I, §101(20), title IV, §401(3), Aug. 21, 1957, 71 Stat. 380, 390, included the Army Nurse Corps and the Army Medical Specialist Corps within item 3915, and struck out item 3912 “Twenty years or more: regular commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps” and item 3928 “Computation of years of service: voluntary retirement; regular commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps”.

§ 3911. Twenty years or more: regular or reserve commissioned officers

(a) The Secretary of the Army may, upon the officer’s request, retire a regular or reserve commissioned officer of the Army who has at least 20 years of service computed under section 3926 of this title, at least 10 years of which have been active service as a commissioned officer.

(b)(1) The Secretary of Defense may authorize the Secretary of the Army, during the period specified in paragraph (2), to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Army) of not less than eight years.

(2) The period specified in this paragraph is the period beginning on January 7, 2011, and ending on September 30, 2018.

(Aug. 10, 1956, ch. 1041, 70A Stat. 224; Pub. L. 101-510, div. A, title V, §523(a), Nov. 5, 1990, 104 Stat. 1562; Pub. L. 103-160, div. A, title V, §561(c), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105-261, div. A, title V, §561(e), Oct. 17, 1998, 112 Stat. 2025; Pub. L. 106-398, §1 [[div. A], title V, §571(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-134; Pub. L. 109-163, div. A, title V, §502(a), Jan. 6, 2006, 119 Stat. 3225; Pub. L. 109-364, div. A, title X, §1071(a)(27), Oct. 17, 2006, 120 Stat. 2399; Pub. L. 111-383, div. A, title V, §506(a), Jan. 7, 2011, 124 Stat. 4210; Pub. L. 112-239, div. A, title V, §505(a), title X, §1076(e)(6), Jan. 2, 2013, 126 Stat. 1715, 1951.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3911	10:943a. 10:971b (1st 100 words).	July 31, 1935, ch. 422, §5 (1st 101 words); re-stated June 13, 1940, ch. 344, §3 (1st 45 words), 54 Stat. 380; June 29, 1948, ch. 708, §202 (1st 105 words), 62 Stat. 1084; July 16, 1953, ch. 203, 67 Stat. 175.

The words “a regular or reserve commissioned officer of the Army” are substituted for the words “any officer on the active list of the Regular Army * * * or any officer of the reserve components of the Army of the United States”. The words “Philippine Scouts” are omitted as obsolete. The words “has at least 20” are substituted for the words “shall have completed not less than twenty”. The words “upon the officer’s re-

quest” are substituted for the words “upon his own application”. The words “service computed under section 3926 of this title” are substituted for the words “active Federal service in the armed forces of the United States”, since that revised section makes explicit the service covered.

AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 112-239, §1076(e)(6), substituted “January 7, 2011,” for “the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011”.

Pub. L. 112-239, §505(a), substituted “September 30, 2018” for “September 30, 2013”.

2011—Subsec. (b)(2). Pub. L. 111-383 substituted “the date of the enactment of the Ike Skelton National 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. (b). Pub. L. 109-364 struck out second comma after “paragraph (2)” in par. (1) and substituted “January 6, 2006,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006” in par. (2).

Pub. L. 109-163 designated existing provisions as par. (1), substituted “during the period specified in paragraph (2),” for “during the period beginning on October 1, 1990, and ending on December 31, 2001”, and added par. (2).

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

1998—Subsec. (b). 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. (b). Pub. L. 103-160 substituted “nine-year period” for “five-year period”.

1990—Pub. L. 101-510 designated existing provisions as subsec. (a) and added subsec. (b).

TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Army, during the period beginning Oct. 23, 1992, and ending Oct. 1, 1995, to apply this section to a regular or reserve commissioned 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.

§ 3912. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 225, permitted the Secretary of the Army, upon the officer’s request, to retire a commissioned officer of the Regular Army in the Army Nurse Corps or Women’s Medical Specialist Corps who has at least 20 years of service computed under former section 3928 of this title.

§ 3913. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 225; July 12, 1960, Pub. L. 86-616, §4, 74 Stat. 390; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, provided for retirement of deferred officers not recommended for promotion after twenty years or more of service, except as provided in section 8301 of title 5. See section 627 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3914. Twenty to thirty years: enlisted members

Under regulations to be prescribed by the Secretary of the Army, an enlisted member of the

Army who has at least 20, but less than 30, years of service computed under section 3925 of this title may, upon his request, be retired.

(Aug. 10, 1956, ch. 1041, 70A Stat. 225; Pub. L. 85-861, §33(a)(25), Sept. 2, 1958, 72 Stat. 1565; Pub. L. 96-343, §9(a)(1), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 103-337, div. A, title V, §515(a), Oct. 5, 1994, 108 Stat. 2753.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3914	10:948 (1st sentence). 10:948a.	Oct. 6, 1945, ch. 393, §4 (1st sentence); restated Aug. 10, 1946, ch. 952, §6(a) (1st sentence), 60 Stat. 996. Aug. 10, 1946, ch. 952, §7, 60 Stat. 996.

The words “now or hereafter”, in 10:948a, are omitted as surplusage. The words “computed under section 3925 of this title” are substituted for the words “active Federal service”, in 10:948, and “active Federal military service”, in 10:948a, since that revised section makes explicit the service covered. The words “be retired” are substituted for the words “will be placed on the retired list of”, in 10:948. The words “completed a minimum”, in 10:948; and “the period of”, “be subject to”, “periods of”, and “now or after August 10, 1946”, in 10:948a; are omitted as surplusage.

1958 ACT

The change makes clear that the Secretary of the Army is required to prescribe regulations in this case, and conforms this section to section 8914, its Air Force counterpart.

AMENDMENTS

1994—Pub. L. 103-337 struck out at end “A regular enlisted member then becomes a member of the Army Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 3925 of this title, plus his inactive service as a member of the Army Reserve, equals 30 years.”

1980—Pub. L. 96-343 struck out “regular” before “enlisted members” in section catchline and substituted in section “an enlisted member” for “a regular enlisted member”, “A regular enlisted member” for “He”, and “Army Reserve. A member retired under this section” for “Army Reserve, and”.

1958—Pub. L. 85-861 substituted “regulations to be prescribed” for “regulations prescribed”.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-343, §9(c), Sept. 8, 1980, 94 Stat. 1129, provided that: “The amendments made by this section [amending this section and sections 3925, 8914, and 8925 of this title] shall apply with respect to retired pay payable for months beginning after the date of the enactment of this Act [Sept. 8, 1980].”

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

TEMPORARY EARLY RETIREMENT AUTHORITY

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

DOUBLE CREDITS FOR FOREIGN SERVICE BY ENLISTED MEN

Acts May 26, 1900, ch. 586, 31 Stat. 209; Mar. 2, 1903, ch. 975, 32 Stat. 933; Apr. 23, 1904, ch. 1485, 33 Stat. 264; Aug. 24, 1912, ch. 391, §1, 37 Stat. 575; May 17, 1932, ch. 190, 47 Stat. 158, provided that: “In computing length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, Puerto Rico, Cuba, the Philippine Islands, the Island of Guam, Alaska, and Panama, but double credit shall not be given for service rendered subsequent to April 23, 1904, in Puerto Rico or the Territory of Hawaii, nor shall credit for double time for foreign service be given to those who enlisted after August 24, 1912: *Provided*, That nothing herein shall be so construed as to forfeit credit for double time accrued prior to August 24, 1912.”

[§ 3915. Repealed. Pub. L. 90-130, §1(13), Nov. 8, 1967, 81 Stat. 376]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 225; Aug. 21, 1967, Pub. L. 85-155, title I, §101(19), 71 Stat. 379; Sept. 30, 1966, Pub. L. 89-609, §1(5), 80 Stat. 852; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, provided for retirement after 25 years’ service of regular majors in Women’s Army Corps, Army Nurse Corps, and Army Medical Specialist Corps.

[§ 3916. Repealed. Pub. L. 96-513, title II, §217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 226; Aug. 21, 1957, Pub. L. 85-155, title I, §101(21), 71 Stat. 380; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115; Oct. 20, 1978, Pub. L. 95-485, title VIII, §820(i), 92 Stat. 1628, provided for retirement of a promotion-list lieutenant colonel, except as provided by section 8301 of title 5, on 30th day after he completes 28 years of service, with authority for Secretary of the Army to defer retirement in certain cases. See section 633 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 3917. Thirty years or more: regular enlisted members

A regular enlisted member of the Army who has at least 30 years of service computed under section 3925 of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 226.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3917	10:947 (less proviso). 10:947a (less last 11 words).	Mar. 2, 1907, ch. 2515, §1 (1st 35 words), 34 Stat. 1217. Feb. 14, 1885, ch. 67 (less 43d through 53d words); restated Sept. 30, 1890, ch. 1125 (less 43d through 53d words), 26 Stat. 504.

The word “regular” is inserted to conform to an opinion of the Judge Advocate General of the Army (JAGA, 1953/2301, 23 Mar. 1953). The words “upon his request” are substituted for the words “upon making application to the President”, in 10:947, and “by application to the President”, in 10:947a. The words “either as a private or noncommissioned officer, or both”, in 10:947a, are omitted as surplusage. The words “shall be retired” are substituted for the words “be placed upon the retired list”, in 10:947, and “be placed on the retired list heretofore created”, in 10:947a. The words “computed under section 3925 of this title” are inserted for clarity. The 21