

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