

(c) The Secretary of the Navy shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.

(Added Pub. L. 107-314, div. A, title V, §543(c)(1), Dec. 2, 2002, 116 Stat. 2549, §6257; renumbered § 6258, Pub. L. 108-375, div. A, title X, §1084(d)(30), Oct. 28, 2004, 118 Stat. 2063.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 107-314, which was approved Dec. 2, 2002.

AMENDMENTS

2004—Pub. L. 108-375 renumbered section 6257 of this title as this section.

CHAPTER 569—DISCHARGE OF ENLISTED MEMBERS

Sec.
[6291. Repealed.]
6292. Minors enlisted upon false statement of age.
[6293 to 6298. Repealed.]

AMENDMENTS

1980—Pub. L. 96-513, title V, §503(46), Dec. 12, 1980, 94 Stat. 2914, struck out item 6294 “Women in the Regular Navy and Regular Marine Corps: termination of enlistment”.

1968—Pub. L. 90-235, §§3(a)(4), (b)(4), 8(4), Jan. 2, 1968, 81 Stat. 758, 764, struck out item 6291 “Honorable discharges”, item 6293 “Minors enlisted without consent of parent or guardian”, item 6295 “Regular Navy: early discharge”, item 6296 “Furlough without pay”, item 6297 “Disposition of uniform; clothing allowance; emergency funds”, and item 6298 “Authority to live at a receiving station after honorable discharge”.

[§ 6291. Repealed. Pub. L. 90-235, § 3(b)(1), Jan. 2, 1968, 81 Stat. 758]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 391, provided for honorable discharges for enlisted members of the naval service.

§ 6292. Minors enlisted upon false statement of age

(a) The Secretary of the Navy, under regulations prescribed by him, may discharge or release from the naval service, with pay and allowances and form of discharge certificate appropriate for his service after enlistment, any enlisted member who, as the result of a false statement of age on his application for enlistment, was enlisted while under the minimum statutory or administrative age limit. A member so discharged or released is entitled to transportation in kind and subsistence from the place of discharge to his home.

(b) Appropriations available for pay and allowances, subsistence, and transportation of enlisted members of the naval service are available for payments under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 391.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6292(a)	34 U.S.C. 900a.	Sept. 24, 1945, ch. 385, §1, 59 Stat. 536.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6292(b)	34 U.S.C. 900a (note).	Sept. 24, 1945, ch. 385, §3, 59 Stat. 537.

The word “member” is substituted for the word “person” and the words “naval service” are substituted for the words “Navy, Marine Corps, and the Reserve components thereof”. The words “form of” are added for clarity. Reference to the date “September 24, 1945” is omitted as unnecessary. The words “is entitled to” are substituted for the words “shall be furnished” for uniformity. The decision of the Comptroller General of December 23, 1949 (B-91297), has not been overlooked. That decision, without passing on a case in which the point was involved, indicated that the transportation entitlement in 34 U.S.C. 900a might be impliedly repealed by the Career Compensation Act of 1949. The editors of the United States Code Annotated, apparently on the basis of this decision, have omitted 34 U.S.C.A. 900a from the 1954 pocket part. A conclusion that the section is repealed, however, defeats the specific purpose of the provision, which, as indicated in the legislative hearings, was to insure that underage discharges would be transported home and not simply released at the place of discharge.

[§ 6293. Repealed. Pub. L. 90-235, § 3(a)(2), Jan. 2, 1968, 81 Stat. 757]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 392, provided for discharges for minors enlisted in the naval service or in the Regular Navy as seamen, seamen apprentices or seamen recruits. See section 1170 of this title.

[§ 6294. Repealed. Pub. L. 96-513, title III, § 373(g), Dec. 12, 1980, 94 Stat. 2903]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 392, authorized Secretary of Navy to terminate enlistment of and discharge any enlisted woman in Regular Navy or Regular Marine Corps.

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.

[§§ 6295 to 6298. Repealed. Pub. L. 90-235, §§ 3(a)(2), (b)(1), 8(3), Jan. 2, 1968, 81 Stat. 757, 758, 764]

Section 6295, act Aug. 10, 1956, ch. 1041, 70A Stat. 392, provided for early discharges from the Regular Navy. See section 1171 of this title.

Section 6296, act Aug. 10, 1956, ch. 1041, 70A Stat. 392, provided for furlough without pay for any enlisted member of the Regular Navy for the unexpired term of his enlistment.

Section 6297, act Aug. 10, 1956, ch. 1041, 70A Stat. 393, provided for disposition of uniforms of enlisted members of the naval service who were discharged and for disposition of uniforms of and clothing allowance and emergency funds for enlisted members of the naval service who were discharged other than honorably.

Section 6298, act Aug. 10, 1956, ch. 1041, 70A Stat. 393, authorized Secretary of Navy to permit any person honorably discharged from the naval service to live at any naval receiving station while he was eligible for a reenlistment bonus.

CHAPTER 571—VOLUNTARY RETIREMENT

Sec.
6321. Officers: 40 years.
6322. Officers: 30 years.
6323. Officers: 20 years.

- Sec.
- 6324. Officers: creditable service.
- 6325. Officers: retired grade and pay.
- 6326. Enlisted members: 30 years.
- 6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.
- 6328. Computation of years of service: voluntary retirement.
- 6329. Officers not to be retired for misconduct.
- 6330. Enlisted members: transfer to Fleet Reserve and Fleet Marine Corps Reserve; retainer pay.
- 6331. Members of the Fleet Reserve and Fleet Marine Corps Reserve: transfer to the retired list; retired pay.
- 6332. Conclusiveness of transfers.
- 6333. Computation of retired and retainer pay.
- 6334. Higher grade after 30 years of service: warrant officers and enlisted members.
- 6335. Restoration to former grade: warrant officers and enlisted members.
- 6336. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.

AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, §515(b)(4)(B), Jan. 6, 2006, 119 Stat. 3235, substituted “Navy Reserve” for “Naval Reserve” in item 6327.

1996—Pub. L. 104-201, div. A, title V, §532(b)(2), Sept. 23, 1996, 110 Stat. 2519, added item 6336.

Pub. L. 104-106, div. A, title V, §561(d)(3)(B), Feb. 10, 1996, 110 Stat. 323, added item 6328.

1987—Pub. L. 100-180, div. A, title V, §512(e)(2), Dec. 4, 1987, 101 Stat. 1091, added items 6334 and 6335.

1986—Pub. L. 99-348, title III, §304(b)(3), July 1, 1986, 100 Stat. 704, struck out item 6328 “Treatment of fractions of years of service in computing retired pay” and substituted “Computation of” for “Treatment of fractions of dollar amounts in computing” in item 6333.

1983—Pub. L. 98-94, title IX, §922(a)(10)(B), Sept. 24, 1983, 97 Stat. 641, added item 6333.

1967—Pub. L. 90-130, §1(23)(B), Nov. 8, 1967, 81 Stat. 380, struck out “Nurse Corps” before “Officers” in item 6324.

§ 6321. Officers: 40 years

(a) Each officer of the Regular Navy or the Regular Marine Corps holding a permanent appointment in the grade of warrant officer, W-1, or above who applies for retirement after completing 40 or more years of active service shall be retired by the Secretary of the Navy.

(b) For the purpose of this section, an officer's years of active service are computed by adding all his active service in the armed forces.

(Aug. 10, 1956, ch. 1041, 70A Stat. 393.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6321	34 U.S.C. 381.	R.S. 1443; June 17, 1948, ch. 497, §1(a), 62 Stat. 477.
	34 U.S.C. 879 (less applicability to enlisted men).	June 4, 1920, ch. 228, §3 (3d proviso, less applicability to enlisted men), 41 Stat. 835.
	34 U.S.C. 626-1(a) (1st sentence).	Aug. 7, 1947, ch. 512, §314(a) (1st sentence), 61 Stat. 863; May 5, 1954, ch. 180, §205, 68 Stat. 68.

In subsection (a) the words “Regular” and “holding a permanent appointment in the grade of warrant officer, W-1, or above” are inserted for clarity. The word “shall” is substituted for the word “may” because the

Attorney General has construed R.S. 1443 as conferring a right to retirement upon officers who apply for it after 40 years of service (30 Op. Atty. Gen. 406). The words “from active service” are omitted as surplusage. The words “after completing 40 or more years of active service” are substituted for the words “has been forty years in the service of the United States” for clarity. In subsection (b) the accepted meaning of the words “service of the United States” is spelled out for clarity. They have been consistently interpreted to include active service in the armed forces as defined in this title.

§ 6322. Officers: 30 years

(a) An officer of the Regular Navy or the Regular Marine Corps holding a permanent appointment in the grade of warrant officer, W-1, or above who applies for retirement after completing 30 or more years of active service may, in the discretion of the Secretary of the Navy, be retired.

(b) For the purpose of this section, an officer's years of active service are computed by adding all his active service in the armed forces.

(Aug. 10, 1956, ch. 1041, 70A Stat. 394; Pub. L. 96-342, title VIII, §813(d)(1), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96-513, §513(17), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 99-348, title II, §203(b)(1), July 1, 1986, 100 Stat. 696.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6322	34 U.S.C. 383.	May 13, 1908, ch. 166, 35 Stat. 128 (8th sentence, less proviso); June 17, 1948, ch. 497, §1(d), 62 Stat. 477.
	34 U.S.C. 879 (less applicability to enlisted men).	June 4, 1920, ch. 228, §3 (3d proviso, less applicability to enlisted men), 41 Stat. 835.
	34 U.S.C. 626-1(a) (1st sentence).	Aug. 7, 1947, ch. 512, §314(a) (1st sentence), 61 Stat. 863; May 5, 1954, ch. 180, §205, 68 Stat. 68.

In subsection (a) the words “Regular” and “holding a permanent appointment in the grade of warrant officer, W-1, or above” are inserted for clarity. The words “after completing 30 or more years of active service” are substituted for the words “has been thirty years in the service” for clarity. The words “retired from active service” are omitted as surplusage.

Subsection (b) is added to clarify the word “service”. It has been consistently interpreted to include active service in the armed forces as defined in this title.

In subsection (c) the words “is entitled to retired pay at the rate of 75 percent of the highest basic pay of the grade in which retired” are substituted for the words “with three-fourths of the highest pay of his grade” for clarity and uniformity of expression.

AMENDMENTS

1986—Subsec. (c). Pub. L. 99-348 struck out subsec. (c) which provided that each officer retired under this section be entitled to retired pay, in the case of an officer who first became a member of a uniformed service, as defined in section 1407(a)(2), before Sept. 8, 1980, at the rate of 75 percent of the highest basic pay of the grade in which retired, and in the case of an officer who first became a member of a uniformed service, as defined in section 1407(a)(2), on or after Sept. 8, 1980, at the rate of 75 percent of the monthly retired pay base computed under section 1407(d).

1980—Subsec. (c). Pub. L. 96-513 substituted “September 8, 1980” for “the date of the enactment of the Department of Defense Authorization Act, 1981” wherever appearing.