

CHAPTER 867—RETIREMENT FOR LENGTH OF SERVICE

- Sec. 8911. Twenty years or more: regular or reserve commissioned officers. [8912, 8913. Repealed.] 8914. Twenty to thirty years: enlisted members. [8915, 8916. Repealed.] 8917. Thirty years or more: regular enlisted members. 8918. Thirty years or more: regular commissioned officers. [8919. Repealed.] 8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy. 8921. Mandatory retirement: Superintendent of the United States Air Force Academy; waiver authority. [8922, 8923. Repealed.] 8924. Forty years or more: Air Force officers. 8925. Computation of years of service: voluntary retirement; enlisted members. 8926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers. [8927, 8928. Repealed.] 8929. Computation of retired pay: law applicable.

AMENDMENTS

2004—Pub. L. 108-375, div. A, title V, §541(c)(3)(B), Oct. 28, 2004, 118 Stat. 1904, inserted “; waiver authority” after “Academy” in item 8921.

1999—Pub. L. 106-65, div. A, title V, §532(a)(4)(E), Oct. 5, 1999, 113 Stat. 604, added item 8921.

1996—Pub. L. 104-106, div. A, title V, §509(b)(2), Feb. 10, 1996, 110 Stat. 298, substituted “permanent professors and the Director of Admissions” for “professors” in item 8920.

1980—Pub. L. 96-513, title V, §504(17), Dec. 12, 1980, 94 Stat. 2917, struck out items 8913 “Twenty years or more: deferred officers not recommended for promotion”, 8915 “Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major”, 8916 “Twenty-eight years: promotion-list lieutenant colonels”, 8919 “Thirty years or more: regular commissioned officers; excessive number”, 8921 “Thirty years or five years in grade: promotion-list colonels”, 8922 “Thirty years or five years in grade: regular brigadier generals”, 8923 “Thirty-five years or five years in grade: regular major generals”, and 8927 “Computation of years of service: mandatory retirement; regular commissioned officers”.

Pub. L. 96-343, §9(b)(3), Sept. 8, 1980, 94 Stat. 1129, struck out “regular” before “enlisted members” in items 8914 and 8925.

1967—Pub. L. 90-130, §1(32)(C), Nov. 8, 1967, 81 Stat. 383, substituted “Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major” for “Twenty-five years: female majors except those designated under section 8067(a)-(d) or (g)-(i) of this title; male majors designated under section 8067(e) or (f) of this title” in item 8915.

1966—Pub. L. 89-609, §1(32), Sept. 30, 1966, 80 Stat. 854, inserted “; male majors designated under section 8067(e) or (f) of this title” in item 8915.

1957—Pub. L. 85-155, title III, §301(21), Aug. 21, 1957, 71 Stat. 389, struck out items 8912 and 8928, and substituted “section 8067(a)-(d) or (g)-(i)” for “section 8067” in item 8915.

§ 8911. Twenty years or more: regular or reserve commissioned officers

(a) The Secretary of the Air Force may, upon the officer’s request, retire a regular or reserve commissioned officer of the Air Force who has at least 20 years of service computed under sec-

tion 8926 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 Air Force, 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 Air Force) 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. 549; Pub. L. 101-510, div. A, title V, §523(c), 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(c), Jan. 6, 2006, 119 Stat. 3225; Pub. L. 109-364, div. A, title X, §1071(a)(37), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 111-383, div. A, title V, §506(c), Jan. 7, 2011, 124 Stat. 4210; Pub. L. 112-239, div. A, title V, §505(c), title X, §1076(e)(6), Jan. 2, 2013, 126 Stat. 1715, 1951.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 8911, 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 Air Force” are substituted for the words “any officer on the active list of the \* \* \* Regular Air Force \* \* \* or any officer of the reserve components of the \* \* \* Air Force 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 his request” are substituted for the words “upon his own application”. The words “service computed under section 8926 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 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 Air Force, 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.

**[§ 8912. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 549, permitted Secretary of Air Force, upon officer’s request, to retire an Air Force nurse, or a woman medical specialist, of Regular Air Force, who has at least 20 years of service computed under former section 8928 of this title.

**[§ 8913. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 549; July 12, 1960, Pub. L. 86-616, § 9, 74 Stat. 395; 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.

**§ 8914. Twenty to thirty years: enlisted members**

Under regulations to be prescribed by the Secretary of the Air Force, an enlisted member of the Air Force who has at least 20, but less than 30, years of service computed under section 8925 of this title may, upon his request, be retired.

(Aug. 10, 1956, ch. 1041, 70A Stat. 550; Pub. L. 96-343, § 9(b)(1), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 103-337, div. A, title V, § 515(b), Oct. 5, 1994, 108 Stat. 2753.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8914 .....	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 8925 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 from” 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”, “period of”, and “now or after August 10, 1946”, in 10:948a; are omitted as surplusage.

AMENDMENTS

1994—Pub. L. 103-337 struck out at end “A regular enlisted member then becomes a member of the Air Force Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 8925 of this title, plus his inactive service as a member of the Air Force Reserve, equals 30 years.”

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

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-343 effective with respect to retired pay payable for months beginning after Sept. 8, 1980, see section 9(c) of Pub. L. 96-343, set out as a note under section 3914 of this title.

TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Air Force, 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.

**[§§ 8915, 8916. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]**

Section 8915, acts Aug. 10, 1956, ch. 1041, 70A Stat. 550; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(18), 71 Stat. 389; Sept. 30, 1966, Pub. L. 89-609, § 1(31), 80 Stat. 854; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115; Nov. 8, 1967, Pub. L. 90-130, § 1(32)(A), 89 Stat. 382, authorized the Secretary of the Air Force to defer the retirement of any Air Force nurse or medical specialist in the regular grade of major until the 30th day after the officer completes 28 years of service. See section 632 of this title.

Section 8916, acts Aug. 10, 1956, ch. 1041, 70A Stat. 550; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(19), 71 Stat. 389, provided for retirement of a promotion-list lieutenant colonel, except as provided by section 8301 of title 5, on the 30th day after he completes 28 years of service, with authority for the Secretary of the Air Force 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.

**§ 8917. Thirty years or more: regular enlisted members**

A regular enlisted member of the Air Force who has at least 30 years of service computed under section 8925 of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 550.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8917 .....	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.