

A, title V, § 561(e), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105-261, div. A, title V, § 504(a), Oct. 17, 1998, 112 Stat. 2004; Pub. L. 109-163, div. A, title V, § 509(a)(1), Jan. 6, 2006, 119 Stat. 3229.)

AMENDMENTS

2006—Pub. L. 109-163 designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b) and as provided” for “Except an officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies and except as provided”, and added subsec. (b).

1998—Pub. L. 105-261 substituted “Except an officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies” for “Except an officer of the Navy designated for limited duty to whom section 5596(e) of this title applies and an officer of the Marine Corps designated for limited duty to whom section 5596(e) or section 6383 of this title applies” and struck out at end “During the period beginning on July 1, 1993, and ending on October 1, 1999, the preceding sentence shall not apply to an officer of the Navy designated for limited duty to whom section 6383 of this title applies.”

1993—Pub. L. 103-160 substituted “October 1, 1999” for “October 1, 1995”.

1992—Pub. L. 102-484 inserted at end “During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Navy designated for limited duty to whom section 6383 of this title applies.”

1984—Pub. L. 98-525, § 1405(12), substituted “28” for “twenty-eight”.

Pub. L. 98-525, § 529(b), substituted “Except an officer of the Navy designated for limited duty to whom section 5596(e) of this title applies and an officer of the Marine Corps designated for limited duty to whom section 5596(e) or section 6383 of this title applies” for “Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies)”.

§ 634. Retirement for years of service: regular colonels and Navy captains

(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of colonel, and each officer of the Regular Navy who holds the regular grade of captain, who is not on a list of officers recommended for promotion to the regular grade of brigadier general or rear admiral (lower half), respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes 30 years of active commissioned service.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) An officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies.

(2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2862; amended Pub. L. 97-86, title IV, § 405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 98-525, title XIV, § 1405(13), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 99-145, title V, § 514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 102-484, div. A, title V, § 504(b), Oct. 23, 1992, 106 Stat. 2403; Pub. L.

103-160, div. A, title V, § 561(e), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105-261, div. A, title V, § 504(b), Oct. 17, 1998, 112 Stat. 2004; Pub. L. 109-163, div. A, title V, § 509(a)(2), Jan. 6, 2006, 119 Stat. 3229.)

AMENDMENTS

2006—Pub. L. 109-163 designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b) and as provided” for “Except an officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies and except as provided”, and added subsec. (b).

1998—Pub. L. 105-261 inserted “an officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies and except” after “Except” and struck out at end “During the period beginning on July 1, 1993, and ending on October 1, 1999, the preceding sentence shall not apply to an officer of the Regular Navy designated for limited duty to whom section 6383(a)(4) of this title applies.”

1993—Pub. L. 103-160 substituted “October 1, 1999” for “October 1, 1995”.

1992—Pub. L. 102-484 inserted at end “During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Regular Navy designated for limited duty to whom section 6383(a)(4) of this title applies.”

1985—Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Pub. L. 98-525 substituted “30” for “thirty”.

1981—Pub. L. 97-86 substituted “commodore” for “commodore admiral”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

§ 635. Retirement for years of service: regular brigadier generals and rear admirals (lower half)

Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of brigadier general, and each officer of the Regular Navy who holds the regular grade of rear admiral (lower half), who is not on a list of officers recommended for promotion to the regular grade of major general or rear admiral, respectively, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes 30 years of active commissioned service, whichever is later.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2863; amended Pub. L. 97-86, title IV, § 405(b)(1), (5)(A), Dec. 1, 1981, 95 Stat. 1105, 1106; Pub. L. 98-525, title XIV, § 1405(13), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 99-145, title V, § 514(b)(1), (5)(A), Nov. 8, 1985, 99 Stat. 628.)

AMENDMENTS

1985—Pub. L. 99-145 substituted “rear admirals (lower half)” for “commodores” in section catchline and “rear admiral (lower half)” for “commodore” in text.

1984—Pub. L. 98-525 substituted “30” for “thirty”.

1981—Pub. L. 97-86 substituted “commodores” for “commodore admirals” in section catchline and “commodore” for “commodore admiral” in text.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

§ 636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half)

(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except as provided in subsection (b) or (c) and under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of major general, and each officer of the Regular Navy who holds the regular grade of rear admiral, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes 35 years of active commissioned service, whichever is later.

(b) LIEUTENANT GENERALS AND VICE ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of lieutenant general or vice admiral, the number of years of active commissioned service applicable to the officer is 38 years.

(c) GENERALS AND ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of general or admiral, the number of years of active commissioned service applicable to the officer is 40 years.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2863; amended Pub. L. 98-525, title XIV, §1405(14), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 105-85, div. A, title V, §506(a), (b), Nov. 18, 1997, 111 Stat. 1726.)

AMENDMENTS

1997—Pub. L. 105-85, §506(b), substituted “regular officers in grades above brigadier general and rear admiral (lower half)” for “regular major generals and rear admirals” in section catchline.

Pub. L. 105-85, §506(a), designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b) or (c) and” for “Except as provided”, and added subsecs. (b) and (c).

1984—Pub. L. 98-525 substituted “35” for “thirty-five”.

SUBCHAPTER IV—CONTINUATION ON ACTIVE DUTY AND SELECTIVE EARLY RETIREMENT

Sec.	
637.	Selection of regular officers for continuation on active duty.
638.	Selective early retirement.
638a.	Modification to rules for continuation on active duty; enhanced authority for selective early retirement and early discharges.
638b.	Voluntary retirement incentive.
639.	Continuation on active duty to complete disciplinary action.
640.	Deferment of retirement or separation for medical reasons.

AMENDMENTS

2011—Pub. L. 112-81, div. A, title V, §504(a)(2), 125 Stat. 1390, added item 638b.

1990—Pub. L. 101-510, div. A, title V, §521(a)(2), Nov. 5, 1990, 104 Stat. 1561, added item 638a.

§ 637. Selection of regular officers for continuation on active duty

(a)(1) An officer subject to discharge or retirement in accordance with section 632 of this title

may, subject to the needs of the service, be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

(2) An officer who holds the regular grade of captain in the Army, Air Force, or Marine Corps, or the regular grade of lieutenant in the Navy, and who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes 20 years of active commissioned service unless he is promoted to the regular grade of major or lieutenant commander, respectively.

(3) An officer who holds the regular grade of major or lieutenant commander who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes 24 years of active commissioned service unless he is promoted to the regular grade of lieutenant colonel or commander, respectively.

(4) An officer who is selected for continuation on active duty under this subsection but declines to continue on active duty shall be discharged, retired, or retained on active duty, as appropriate, in accordance with section 632 of this title.

(5) Each officer who is continued on active duty under this subsection, is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher regular grade shall, unless sooner retired or discharged under another provision of law—

(A) be discharged upon the expiration of his period of continued service; or

(B) if he is eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which he completes his period of continued service.

Notwithstanding the provisions of clause (A), any officer who would otherwise be discharged under such clause and is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, shall unless he is sooner retired or discharged under some other provision of law, be retained on active duty until he is qualified for retirement under that section and then be retired.

(6) The retirement or discharge of an officer pursuant to this subsection shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

(b)(1) An officer subject to retirement under section 633 or 634 of this title may, subject to the needs of the service, have his retirement deferred and be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

(2) An officer subject to retirement under section 635 or 636 of this title who is serving in the grade of brigadier general, rear admiral (lower half), major general, or rear admiral may, subject to the needs of the service, have his retirement deferred and be continued on active duty