

graph may be delegated only to the Under Secretary of Defense for Personnel and Readiness and the Principal Deputy Under Secretary of Defense of Personnel and Readiness.

(Added Pub. L. 112-81, div. A, title V, § 504(a)(1), Dec. 31, 2011, 125 Stat. 1389.)

**§ 639. Continuation on active duty to complete disciplinary action**

When any action has been commenced against an officer with a view to trying such officer by court-martial and such officer is to be separated or retired in accordance with this chapter, the Secretary of the military department concerned may delay the separation or retirement of the officer, without prejudice to such action, until the completion of the action.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2866.)

**§ 640. Deferment of retirement or separation for medical reasons**

(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of an officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well being before the date on which the officer would otherwise be required to retire or be separated under this title, the Secretary may defer the retirement or separation of the officer under this title.

(b) A deferral of retirement or separation under subsection (a) may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2866; amended Pub. L. 107-107, div. A, title V, § 507, Dec. 28, 2001, 115 Stat. 1090.)

AMENDMENTS

2001—Pub. L. 107-107 amended text generally. Prior to amendment, text read as follows: "The Secretary of the military department concerned may defer the retirement or separation under this title of any officer if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date on which the officer would otherwise be required to retire or be separated under this title."

**SUBCHAPTER V—ADDITIONAL PROVISIONS RELATING TO PROMOTION, SEPARATION, AND RETIREMENT**

Sec.	
641.	Applicability of chapter.
642.	Entitlement of officers discharged or retired under this chapter to separation pay or retired pay.
643.	Chaplains: discharge or retirement upon loss of professional qualifications.
[644.	Repealed.]
645.	Definitions.
646.	Consideration of performance as a member of the Joint Staff.

Sec.	
647.	Force shaping authority.

AMENDMENTS

2004—Pub. L. 108-375, div. A, title V, § 501(c)(1)(B), Oct. 28, 2004, 118 Stat. 1874, added item 647.

1994—Pub. L. 103-337, div. A, title XVI, § 1671(b)(5), Oct. 5, 1994, 108 Stat. 3013, struck out item 644 "Authority to suspend officer personnel laws".

1984—Pub. L. 98-525, title XIII, § 1301(d)(2), Oct. 19, 1984, 98 Stat. 2612, added item 646.

**§ 641. Applicability of chapter**

Officers in the following categories are not subject to this chapter (other than section 640 and, in the case of warrant officers, section 628):

(1) Reserve officers—

(A) on active duty authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;

(B) on active duty under section 3038, 5143, 5144, 8038, 10211, 10301 through 10305, 10502, 10505, 10506(a), 10506(b), 10507, or 12402 of this title or section 708 of title 32; or

(C) on full-time National Guard duty.

(2) The director of admissions, dean, and permanent professors at the United States Military Academy, the registrar, dean, and permanent professors at the United States Air Force Academy, and permanent professors of the Navy (as defined in regulations prescribed by the Secretary of the Navy).

(3) Warrant officers.

(4) Retired officers on active duty.

(5) Students at the Uniformed Services University of the Health Sciences.

(6) Officers appointed pursuant to an agreement under section 329 of title 37.

(Added Pub. L. 96-513, title I, § 105, Dec. 12, 1980, 94 Stat. 2866; amended Pub. L. 98-525, title IV, § 414(a)(5), title V, § 527(b), Oct. 19, 1984, 98 Stat. 2519, 2525; Pub. L. 99-433, title V, § 531(a)(2), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 103-337, div. A, title XVI, § 1671(c)(5), Oct. 5, 1994, 108 Stat. 3014; Pub. L. 104-106, div. A, title XV, § 1501(c)(6), Feb. 10, 1996, 110 Stat. 498; Pub. L. 104-201, div. A, title XII, § 1212(e), Sept. 23, 1996, 110 Stat. 2694; Pub. L. 106-398, § 1 [[div. A], title V, § 521], Oct. 30, 2000, 114 Stat. 1654, 1654A-108; Pub. L. 107-107, div. A, title V, § 511(a), Dec. 28, 2001, 115 Stat. 1092; Pub. L. 108-375, div. A, title IV, § 416(j), title V, § 501(d), Oct. 28, 2004, 118 Stat. 1869, 1874; Pub. L. 109-364, div. A, title VI, § 621(c), Oct. 17, 2006, 120 Stat. 2255; Pub. L. 110-181, div. A, title V, § 508(b), Jan. 28, 2008, 122 Stat. 97.)

CODIFICATION

Pub. L. 103-337, div. A, title XVI, §§ 1624, 1691(b)(1), Oct. 5, 1994, 108 Stat. 2961, 3026, which directed amendment of this section effective Oct. 1, 1996, by inserting "(a)" before "Officers in the following" and by adding at the end a new subsec. (b), was amended by Pub. L. 104-106, div. A, title XV, § 1501(a)(1)(A), Feb. 10, 1996, 110 Stat. 495, and, as so amended, amends section 620 of this title instead of this section.

AMENDMENTS

2008—Par. (2). Pub. L. 110-181 substituted "the registrar" for "and the registrar" and inserted "and permanent professors of the Navy (as defined in regulations prescribed by the Secretary of the Navy)" before period at end.