

cational delay program subsequent to being commissioned through the Reserve Officers' Training Corps.

(2) No more than 50 officers may be retained on the reserve active-status list under the authority of paragraph (1) at any time.

(3) No officer may be retained on the reserve active-status list under the authority of paragraph (1) for a period exceeding three years from the date on which, but for that authority, that officer would have been removed from the reserve active-status list under subsection (a) or (b).

(4) The authority of the Secretary of the Air Force under paragraph (1) expires on September 30, 2003.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2951; amended Pub. L. 104-201, div. A, title V, §508(a), Sept. 23, 1996, 110 Stat. 2513.)

AMENDMENTS

1996—Subsec. (c), Pub. L. 104-201 added subsec. (c).

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title V, §508(b), Sept. 23, 1996, 110 Stat. 2513, provided that: "Subsection (c) of section 14507 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1996."

§ 14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

(a) THIRTY YEARS SERVICE OR FIVE YEARS IN GRADE FOR BRIGADIER GENERALS AND REAR ADMIRALS (LOWER HALF).—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

(b) THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN GRADE FOR MAJOR GENERALS AND REAR ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance with section 14514 of this title.

(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general and each reserve officer of the Navy in the grade of vice admiral shall be separated in accordance with section 14514 of this title on the later of the following:

(1) 30 days after completion of 38 years of commissioned service.

(2) The fifth anniversary of the date of the officer's appointment in the grade of lieutenant general or vice admiral.

(d) FORTY YEARS OF SERVICE FOR GENERALS AND ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of general and each reserve officer of the Navy in the grade of admiral shall be separated in accordance with section 14514 of this title on the first day of the first month beginning after the date of the fifth anniversary of the officer's appointment to that grade or 30 days after the date on which the officer completes 40 years of commissioned service, whichever is later.

(e) RETENTION OF BRIGADIER GENERALS.—A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the last day of the month in which the officer becomes 62 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

(f) RETENTION OF MAJOR GENERALS.—A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 64 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

(g) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force in the grade of lieutenant general who would otherwise be removed from an active status under subsection (c) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 66 years of age.

(h) EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.—This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2951; amended Pub. L. 104-106, div. A, title XV, §1501(b)(30), Feb. 10, 1996, 110 Stat. 498; Pub. L. 105-85, div. A, title V, §521(b), Nov. 18, 1997, 111 Stat. 1734; Pub. L. 109-364, div. A, title V, §503(e), Oct. 17, 2006, 120 Stat. 2178; Pub. L. 110-181, div. A, title V, §513, title XVIII, §1825(c)(1), Jan. 28, 2008, 122 Stat. 99, 502; Pub. L. 110-417, [div. A], title V, §515, Oct. 14, 2008, 122 Stat. 4442.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3851, 3852, 6389(f)(1), (2), 8851, and 8852

of this title, prior to repeal by Pub. L. 103-337, §§1628(4), 1629(a)(3), (c)(3).

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, §513(b)(1), inserted “FOR BRIGADIER GENERALS AND REAR ADMIRALS (LOWER HALF)” after “GRADE” in heading.

Subsec. (b). Pub. L. 110-181, §513(b)(2), inserted “FOR MAJOR GENERALS AND REAR ADMIRALS” after “GRADE” in heading.

Subsec. (c). Pub. L. 110-181, §513(a)(2), added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 110-181, §1825(c)(1), added subsec. (d). Former subsec. (d) redesignated (f).

Pub. L. 110-181, §513(a)(1), redesignated subsec. (d) as (f).

Subsecs. (e) and (f). Pub. L. 110-181, §513(a)(1), redesignated subsecs. (c) and (d) as (e) and (f), respectively.

Subsec. (g). Pub. L. 110-417, §515(2), added subsec. (g). Former subsec. (g) redesignated (h).

Pub. L. 110-181, §513(a)(1), redesignated subsec. (e) as (g).

Subsec. (h). Pub. L. 110-417, §515(1), redesignated subsec. (g) as (h).

2006—Subsec. (c). Pub. L. 109-364, §503(e)(1), substituted “62” for “60”.

Subsec. (d). Pub. L. 109-364, §503(e)(2), substituted “64” for “62”.

1997—Subsec. (c). Pub. L. 105-85 substituted “not later than the last day of the month in which the officer becomes 60 years of age” for “not later than the date on which the officer becomes 60 years of age”.

1996—Subsecs. (c), (d). Pub. L. 104-106 struck out “this” after “from an active status under”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

§ 14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half)

Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 62 years of age, be separated in accordance with section 14515 of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2952; amended Pub. L. 109-364, div. A, title V, §503(c), Oct. 17, 2006, 120 Stat. 2178.)

AMENDMENTS

2006—Pub. L. 109-364 substituted “62” for “60” in section catchline and text.

§ 14510. Separation at age 62: brigadier generals and rear admirals (lower half)

Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section

14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2952; amended Pub. L. 109-364, div. A, title V, §503(b), Oct. 17, 2006, 120 Stat. 2178.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3843(a) and 8843 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (c)(3).

AMENDMENTS

2006—Pub. L. 109-364 substituted “age 62: brigadier generals” for “age 60: reserve brigadier generals” in section catchline and “62” for “60” in text.

§ 14511. Separation at age 64: officers in grade of major general or rear admiral and above

(a) SEPARATION REQUIRED.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general or above and each reserve officer of the Navy in the grade of rear admiral or above shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.

(b) EXCEPTION FOR OFFICERS SERVING IN O-9 AND O-10 POSITIONS.—The retirement of a reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general or general, or a reserve officer of the Navy in the grade of vice admiral or admiral, under subsection (a) may be deferred—

(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

(c) EXCEPTION FOR OFFICERS HOLDING CERTAIN OFFICES.—This section does not apply to an officer covered by section 14512 of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 109-364, div. A, title V, §503(a), Oct. 17, 2006, 120 Stat. 2178; Pub. L. 110-181, div. A, title XVIII, §1825(a)(1), Jan. 28, 2008, 122 Stat. 501.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3844 and 8844 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (c)(3).

AMENDMENTS

2008—Pub. L. 110-181 amended section generally. Prior to amendment, text read as follows: “Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 64 years of age.”