

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3855(a), (c)(1), 6392(a), (c)(1), and 8855(a), (c)(1) of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (b)(3), (c)(3).

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-417 substituted “68 years” for “67 years”.

2000—Subsec. (a)(3). Pub. L. 106-398 substituted “Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.” for “veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.”

1999—Subsec. (b). Pub. L. 106-65 struck out “(or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age)” after “67 years of age”.

§ 14704. Selective early removal from the reserve active-status list

(a) **BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.**—(1) Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider officers on the reserve active-status list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from that list.

(2) Except as provided in paragraph (3), the list of officers in a reserve component whose names are submitted to a board under paragraph (1) shall include each officer on the reserve active-status list for that reserve component in the same grade and competitive category whose position on the reserve active-status list is between—

(A) that of the most junior officer in that grade and competitive category whose name is submitted to the board; and

(B) that of the most senior officer in that grade and competitive category whose name is submitted to the board.

(3) A list submitted to a board under paragraph (1) may not include an officer who—

(A) has been approved for voluntary retirement; or

(B) is to be involuntarily retired under any provision of law during the fiscal year in which the board is convened or during the following fiscal year.

(b) **SPECIFICATION OF NUMBER OF OFFICERS WHO MAY BE RECOMMENDED FOR SEPARATION.**—The Secretary of the military department concerned shall specify the number of officers described in subsection (a)(1) that a board may recommend for separation under subsection (c).

(c) **SEPARATION OF OFFICERS SELECTED.**—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

(d) **REGULATIONS.**—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2956; amended Pub. L. 113-66, div. A, title V, §503(b), Dec. 26, 2013, 127 Stat. 750.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3850 and 8850 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (c)(3).

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66, §503(b)(1), designated existing provisions as par. (1), substituted “officers on the reserve active-status list” for “all officers on that list” and “that list.” for “the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.” in par. (1), and added pars. (2) and (3).

Subsecs. (b) to (d). Pub. L. 113-66, §503(b)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

§ 14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

(a) **AUTHORITY TO CONSIDER.**—An officer in the Navy Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

(b) **BOARDS.**—(1) If the Secretary of the Navy determines that consideration of officers for early retirement under this section is necessary, the Secretary shall convene a selection board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

(2) In the case of such a board convened to consider officers in the grade of rear admiral or major general, the Secretary of the Navy may appoint the board without regard to section 14102(b) of this title. In doing so, however, the Secretary shall ensure that—

(A) each regular commissioned officer appointed to the board holds a grade higher than the grade of rear admiral or major general; and

(B) at least one member of the board is a reserve officer who holds the grade of rear admiral or major general.

(c) **SEPARATION UNDER SECTION 14514.**—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2957; amended Pub. L. 105-261, div. A, title V, §515, Oct. 17, 1998, 112 Stat. 2008; Pub. L. 108-136, div. A, title V, §511(b)(3), Nov. 24, 2003, 117 Stat. 1459; Pub. L. 109-163, div. A, title V, §515(b)(1)(VV), Jan. 6, 2006, 119 Stat. 3234.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 6389(f)(3) of this title, prior to repeal by Pub. L. 103-337, §1628(4).