

partment concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

- (i) providing health care;
- (ii) performing other clinical care; or
- (iii) performing health care-related administrative duties.

(c) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

(d) LIMITATION ON DEFERMENT OF RETIREMENTS.—(1) Except as provided in paragraph (2), a deferment under subsection (b) or (c) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

(2) The Secretary of the military department concerned may extend a deferment under subsection (b) or (c) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.

(Added Pub. L. 96-513, title I, §111, Dec. 12, 1980, 94 Stat. 2875; amended Pub. L. 100-180, div. A, title VII, §719, Dec. 4, 1987, 101 Stat. 1115; Pub. L. 101-189, div. A, title VII, §709, Nov. 29, 1989, 103 Stat. 1476; Pub. L. 105-85, div. A, title V, §504(a), (b), Nov. 18, 1997, 111 Stat. 1725; Pub. L. 109-163, div. A, title V, §509(c)(3), Jan. 6, 2006, 119 Stat. 3231; Pub. L. 109-364, div. A, title V, §502(b), Oct. 17, 2006, 120 Stat. 2176; Pub. L. 111-383, div. A, title V, §501(b), Jan. 7, 2011, 124 Stat. 4206.)

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 111-383, §501(b)(2), substituted “the officer—” for “the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.” and added subpars. (A) and (B).

Subsec. (b)(2)(D). Pub. L. 111-383, §501(b)(1), added subpar. (D).

2006—Pub. L. 109-364 amended section catchline and text generally, substituting provisions relating to retirement at age 62 of regular commissioned officers in grades below general and flag officer grades for provisions relating to retirement at age 62 of all regular commissioned officers.

Subsec. (a). Pub. L. 109-163 inserted “, a permanent professor at the United States Naval Academy,” after “Air Force Academy” in first sentence and struck out last sentence which read as follows: “An officer who is a permanent professor at the United States Military Academy or United States Air Force Academy, the director of admissions at the United States Military Academy, or the registrar of the United States Air Force Academy shall be retired on the first day of the month following the month in which he becomes 64 years of age.”

1997—Subsec. (c)(2) to (4). Pub. L. 105-85, §504(a), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (d). Pub. L. 105-85, §504(b), added subsec. (d).
1989—Subsec. (c)(2). Pub. L. 101-189 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), a deferment” for “A deferment” and “68 years of age” for “67 years of age”, and added subpar. (B).

1987—Subsec. (c). Pub. L. 100-180 added subsec. (c).

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

DEFERRAL OF RETIREMENT DATE FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Pub. L. 100-456, div. A, title VII, §704, Sept. 29, 1988, 102 Stat. 1996, provided that the President could defer until Oct. 1, 1989, the retirement of the officer serving as Chairman of the Joint Chiefs of Staff for the term which began on October 1, 1987, notwithstanding the limitation contained in former section 1251(b) of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provision that this section not apply to any officer who on the effective date of this Act [Sept. 15, 1981] was on active duty in a grade above general, see section 632 of Pub. L. 96-513, set out as a note under section 611 of this title.

§ 1252. Age 64: permanent professors at academies

(a) MANDATORY RETIREMENT FOR AGE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by subsection (b) shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) COVERED OFFICERS.—This section applies to the following officers:

(1) An officer who is a permanent professor or the director of admissions of the United States Military Academy.

(2) An officer who is a permanent professor at the United States Naval Academy.

(3) An officer who is a permanent professor or the registrar of the United States Air Force Academy.

(Added Pub. L. 109-163, div. A, title V, §509(c)(1), Jan. 6, 2006, 119 Stat. 3230.)

§ 1253. Age 64: regular commissioned officers in general and flag officer grades; exceptions

(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in a general or flag officer grade shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) EXCEPTION FOR OFFICERS SERVING IN O-9 AND O-10 POSITIONS.—In the case of an officer serving in a position that carries a grade above major general or rear admiral, the retirement under subsection (a) of that officer 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.