

Subsec. (f). Pub. L. 96-513, §337(a)(4), added subsec. (f). 1960—Subsec. (c). Pub. L. 86-559 empowered the Secretary to defer the retirement or discharge of officers serving in the grade of lieutenant commander in the Ready Reserve, in the permanent grade of lieutenant commander or above in the Naval Reserve, in the permanent grade of major or above in the Marine Corps Reserve, and in the permanent grade of captain or commander in the Medical Corps, Chaplain Corps, or Dental Corps in the Naval Reserve.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XV, §1501(c), Feb. 10, 1996, 110 Stat. 498, provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1673(c)(1) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, and amendment by section 1628 of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

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.

EFFECTIVE DATE OF 1980 AMENDMENT

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

[§ 6390. Repealed. Pub. L. 96-513, title III, §335, Dec. 12, 1980, 94 Stat. 2898]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 410; May 20, 1958, Pub. L. 85-422, §11(a)(6)(E), 71 Stat. 131; Oct. 2, 1963, Pub. L. 88-132, §5(h)(4), 77 Stat. 214; Sept. 8, 1980, Pub. L. 96-342, title VIII, §813(d)(8), 94 Stat. 1107, related to the retirement at age 62 of officers on the active list of the Navy and officers of the Marine Corps. See section 1251 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§§ 6391, 6392. Repealed. Pub. L. 103-337, div. A, title XVI, §1629(b)(3), Oct. 5, 1994, 108 Stat. 2963]

Section 6391, added Pub. L. 85-861, §1(144)(B), Sept. 2, 1958, 72 Stat. 1510; amended Pub. L. 86-559, §1(47), June 30, 1960, 74 Stat. 275; Pub. L. 102-190, div. A, title XI, §1131(8)(A), Dec. 5, 1991, 105 Stat. 1506; Pub. L. 104-106, div. A, title XV, §1501(c)(25), Feb. 10, 1996, 110 Stat. 499, related to transfer to Retired Reserve of officers in Naval Reserve or Marine Corps Reserve above chief warrant officer, W-5, on becoming 62 years of age with provisions for deferral of retirement until age 64. See section 14512(b) of this title.

Section 6392, added Pub. L. 100-180, div. A, title VII, §717(b)(1), Dec. 4, 1987, 101 Stat. 1114; amended Pub. L. 101-189, div. A, title VII, §§710(b), 711(b), Nov. 29, 1989, 103 Stat. 1476, 1477, related to retention in active status

of certain reserve officers. See section 14703(a)(2), (b) of this title.

A prior section 6392, act Aug. 10, 1956, ch. 1041, 70A Stat. 410, related to revocation of appointments of Regular Navy and Marine Corps officers with less than three years service, prior to repeal effective Sept. 15, 1981, by Pub. L. 96-513, title III, §335, title VII, §701, Dec. 12, 1980, 94 Stat. 2898, 2955.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

[§ 6393. Repealed. Pub. L. 96-513, title III, §373(h), Dec. 12, 1980, 94 Stat. 2903]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 410, authorized Secretary of Navy to terminate appointment of any woman officer in Regular Navy or Regular Marine Corps.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§§ 6394 to 6396. Repealed. Pub. L. 96-513, title III, §335, Dec. 12, 1980, 94 Stat. 2898]

Section 6394, acts Aug. 10, 1956, ch. 1041, 70A Stat. 410; May 20, 1958, Pub. L. 85-422, §11(a)(6)(F), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85-861, §1(144)(C), 72 Stat. 1511; Oct. 2, 1963, Pub. L. 88-132, §5(h)(4), 77 Stat. 214; Sept. 8, 1980, Pub. L. 96-342, title VIII, §813(d)(9), 94 Stat. 1107, related to the retirement upon board recommendation of Regular Navy rear admirals and commodores and Regular Marine Corps major generals and brigadier generals.

Section 6395, acts Aug. 10, 1956, ch. 1041, 70A Stat. 411; Aug. 21, 1957, Pub. L. 85-155, title II, §201(21), 71 Stat. 385; Sept. 30, 1966, Pub. L. 89-609, §1(22), 80 Stat. 853, related to discharge during time of war and national emergency of Regular Navy and Regular Marine Corps officers with less than 20 years of service for unsatisfactory performance of duty. See section 1181 et seq. of this title.

Section 6396, acts Aug. 10, 1956, ch. 1041, 70A Stat. 413; Aug. 21, 1957, Pub. L. 85-155, title II, §201(22), 71 Stat. 385; May 20, 1958, Pub. L. 85-422, §11(a)(6)(G), 72 Stat. 131; Oct. 2, 1963, Pub. L. 88-132, §5(h)(6), 77 Stat. 214; Sept. 30, 1966, Pub. L. 89-609 §1(23)-(26), 80 Stat. 853, 854; Nov. 8, 1967, Pub. L. 90-130, §1(24)(E), 81 Stat. 380; Sept. 8, 1980, Pub. L. 96-342, title VIII, §813(d)(10), 94 Stat. 1107, related to retirement or discharge of Regular Navy officers in Nurse Corps in grades below commander.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 6397. Repealed. Pub. L. 103-337, div. A, title XVI, §1629(b)(3), Oct. 5, 1994, 108 Stat. 2963]

Section, added Pub. L. 85-861, §1(144)(D), Sept. 2, 1958, 72 Stat. 1511; amended Pub. L. 89-609, §1(27), Sept. 30, 1966, 80 Stat. 854; Pub. L. 96-513, title III, §338, Dec. 12, 1980, 94 Stat. 2901, related to elimination from active status of officers of Naval Reserve in Nurse Corps.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

[§ 6398. Repealed. Pub. L. 96-513, title III, §335, Dec. 12, 1980, 94 Stat. 2898]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 413; May 20, 1958, Pub. L. 85-422, §11(a)(6)(H), 72 Stat. 131; Oct. 2,

1963, Pub. L. 88-132, §5(h)(6), 77 Stat. 214; Nov. 8, 1967, Pub. L. 90-130, §1(24)(F), 81 Stat. 381; Sept. 8, 1980, Pub. L. 96-342, title VIII, §813(d)(11), 94 Stat. 1108, related to retirement for length of service of Regular Navy women captains and commanders and Regular Marine Corps women colonels and lieutenant colonels and their respective grades and pay. See sections 633 and 634 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 6399. Repealed. Pub. L. 90-130, § 1(24)(G), Nov. 8, 1967, 81 Stat. 382]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 414; May 20, 1958, Pub. L. 85-422, §11(a)(6)(I), 72 Stat. 131; Oct. 2, 1963, Pub. L. 88-132, §5(h)(6), 77 Stat. 214, provided for retirement of women lieutenant commanders and below of Regular Navy and women majors and below of Regular Marine Corps at age 50 and their retired grade and pay.

[§§ 6400 to 6402. Repealed. Pub. L. 96-513, title III, § 335, Dec. 12, 1980, 94 Stat. 2898]

Section 6400, acts Aug. 10, 1956, ch. 1041, 70A Stat. 414; May 20, 1958, Pub. L. 85-422, §11(a)(6)(J), 72 Stat. 131; Oct. 2, 1963, Pub. L. 88-132, §5(h)(6), 77 Stat. 214; Sept. 8, 1980, Pub. L. 96-342, title VIII, §813(d)(12), 94 Stat. 1108, related to retirement for length of service of Regular Navy women lieutenant commanders and Regular Marine Corps women majors.

Section 6401, acts Aug. 10, 1956, ch. 1041, 70A Stat. 415; July 12, 1960, Pub. L. 86-616, §5(4), 74 Stat. 390; June 28, 1962, Pub. L. 87-509, §4(b), 76 Stat. 121, related to discharge for length of service of Regular Navy women lieutenants and Regular Marine Corps women captains.

Section 6402, acts Aug. 10, 1956, ch. 1041, 70A Stat. 415; July 12, 1960, Pub. L. 86-616, §5(5), 74 Stat. 390, related to discharge for length of service of Regular Navy women lieutenants (junior grade) and Regular Marine Corps women first lieutenants.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§ 6403. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(b)(3), Oct. 5, 1994, 108 Stat. 2963]

Section, added Pub. L. 85-861, §1(144)(E), Sept. 2, 1958, 72 Stat. 1511; amended Pub. L. 96-513, title V, §503(49), Dec. 12, 1980, 94 Stat. 2915; Pub. L. 97-22, §10(b)(10)(B), July 10, 1981, 95 Stat. 137, related to elimination from active status of women officers in Naval Reserve and Marine Corps Reserve.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

§ 6404. Treatment of fractions of years of service in computing retired pay and separation pay

In determining the total number of years of service to be used as a multiplier in computing retired pay and separation pay on discharge under this chapter, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.

(Aug. 10, 1956, ch. 1041, 70A Stat. 415; Pub. L. 96-513, title V, §503(50), Dec. 12, 1980, 94 Stat.

2915; Pub. L. 98-94, title IX, §923(c)(4), Sept. 24, 1983, 97 Stat. 643.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6404	34 U.S.C. 410c(a) (1st proviso).	Feb. 21, 1946, ch. 34, §7 (a) (1st proviso), 60 Stat. 27; Aug. 7, 1947, ch. 512, §432(a), 61 Stat. 881.
	34 U.S.C. 410j(g) (1st proviso).	Aug. 7, 1947, ch. 512, §312(g) (1st proviso), 61 Stat. 860.
	34 U.S.C. 410d (1st proviso).	Feb. 21, 1946, ch. 34, §9 (1st proviso), 60 Stat. 28; Aug. 7, 1947, ch. 512, §432(b), 61 Stat. 881.
	34 U.S.C. 410j(h) (1st proviso).	Aug. 7, 1947, ch. 512, §312(h) (1st proviso), 61 Stat. 860.
	34 U.S.C. 410r(h).	June 12, 1948, ch. 449, §207(h), 62 Stat. 368.
	34 U.S.C. 410r(j) (provisio).	June 12, 1948, ch. 449, §207(j) (provisio), 62 Stat. 366.
	34 U.S.C. 43g(g).	Apr. 16, 1947, ch. 38, §207(h), 61 Stat. 50; redesignated (g), Aug. 7, 1947, ch. 512, §434(d), 61 Stat. 882; May 16, 1950, ch. 186, §3(j), 64 Stat. 162.
	34 U.S.C. 625h(a).	June 12, 1948, ch. 449, §213(a), 62 Stat. 369.

The words "and a part of a year that is less than six months is disregarded" are added for clarity. The legislative history of the Career Compensation Act of 1949, which contains a provision identical to those codified in this section, indicates that all of these provisions are construed as requiring a fractional year of less than six months to be disregarded (hearing before the Committee on Armed Services of the Senate on H.R. 5007, 81st Cong., 1st sess., p. 313, July 6, 1949).

AMENDMENTS

1983—Pub. L. 98-94 substituted "each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded" for "a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded".

1980—Pub. L. 96-513 substituted "separation pay" for "severance pay" in section catchline and substituted "separation pay" for "lump-sum payments" in text.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-94 applicable with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

[§ 6405. Repealed. Pub. L. 90-235, § 4(a)(12), Jan. 2, 1968, 81 Stat. 760]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 415, provided that an officer of Regular Navy, other than a retired officer, who accepted an appointment in the Foreign Service was considered as having resigned from the Navy. See section 973 of this title.

[§ 6406. Repealed. Pub. L. 91-482, § 1(a), Oct. 21, 1970, 84 Stat. 1082]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 415; Pub. L. 87-649, §14c(47), Sept. 6, 1962, 76 Stat. 501, authorized Secretary of Navy to furlough any officer of Regular Navy or Regular Marine Corps, other than a retired officer.