

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.

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 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.

EFFECTIVE DATE

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

§ 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.

EFFECTIVE DATE

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

§ 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 gen-

eral, 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.”

2006—Pub. L. 109-364 substituted “64” for “62” in section catchline and text.

EFFECTIVE DATE

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

§ 14512. Separation at age 66: officers holding certain offices

(a) **ARMY AND AIR FORCE.**—(1) Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is specified in paragraph (2) shall on the last day of the month in which the officer becomes 66 years of age, be separated in accordance with section 14515 of this title.

(2) Paragraph (1) applies to a reserve officer of the Army or Air Force who is any of the following:

(A) The Chief of the Army Reserve, Chief of the Air Force Reserve, Director of the Army National Guard, or Director of the Air National Guard.

(B) An adjutant general.

(C) If a reserve officer of the Army, the commanding general of the troops of a State.

(b) **NAVY AND MARINE CORPS.**—(1) The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 66 years of age. Not

more than 10 officers may be so deferred at any one time, distributed between the Navy Reserve and the Marine Corps Reserve as the Secretary determines.

(2) The Secretary of Defense may defer the retirement of a reserve officer serving in the position of Chief of the Navy Reserve or Commander of the Marine Forces Reserve, but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age. A deferment under this paragraph shall not count toward the limitation on the total number of officers whose retirement may be deferred at any one time under paragraph (1).

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 109-163, div. A, title V, §§511, 515(b)(1)(UU), Jan. 6, 2006, 119 Stat. 3231, 3234; Pub. L. 109-364, div. A, title V, §503(d), Oct. 17, 2006, 120 Stat. 2178; Pub. L. 110-181, div. A, title XVIII, §1825(b), Jan. 28, 2008, 122 Stat. 502.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3845, 6391(b), and 8845 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (b)(3), (c)(3).

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-181, §1825(b)(1), redesignated subpars. (B) to (D) as (A) to (C), respectively, and struck out former subpar. (A) which read as follows: “The Chief of the National Guard Bureau.”

Subsec. (b). Pub. L. 110-181, §1825(b)(2), designated existing provisions as par. (1) and added par. (2).

2006—Pub. L. 109-364, §503(d)(2), substituted “66” for “64” in section catchline.

Subsec. (a). Pub. L. 109-163, §511, designated existing provisions as par. (1), substituted “who is specified in paragraph (2)” for “who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State,” and added par. (2).

Subsec. (a)(1). Pub. L. 109-364, §503(d)(1), substituted “66” for “64”.

Subsec. (b). Pub. L. 109-364, §503(d)(1), substituted “66” for “64”.

Pub. L. 109-163, §515(b)(1)(UU), substituted “Navy Reserve” for “Naval Reserve”.

EFFECTIVE DATE

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

§ 14513. Failure of selection for promotion: transfer, retirement, or discharge

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer’s separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer’s armed force;

(2) be transferred to the Retired Reserve if the officer is qualified for such transfer and