

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3756 of this title as this section.

2004—Pub. L. 108-375 renumbered section 3755 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

FINDINGS

Pub. L. 107-314, div. A, title V, § 543(a), Dec. 2, 2002, 116 Stat. 2549, provided that: “Congress makes the following findings:

“(1) More than 40,000 members of the United States Armed Forces have served in the Republic of Korea or the waters adjacent thereto each year since the signing of the cease-fire agreement in July 1953 ending the Korean War.

“(2) An estimated 1,200 members of the United States Armed Forces have died as a direct result of their service in Korea since the cease-fire agreement in July 1953.”

AWARD FOR SERVICE BEFORE DATE OF ENACTMENT

Pub. L. 107-314, div. A, title V, § 543(e), Dec. 2, 2002, 116 Stat. 2550, provided that: “The Secretary of the military department concerned shall take appropriate steps to provide in a timely manner for the issuance of the Korea Defense Service Medal, upon application therefor, to persons whose eligibility for that medal is by reason of service in the Republic of Korea or the waters adjacent thereto before the date of the enactment of this Act [Dec. 2, 2002].”

CHAPTER 741—RETIREMENT FOR LENGTH OF SERVICE

Sec.	
7311.	Twenty years or more: regular or reserve commissioned officers.
7314.	Twenty to thirty years: enlisted members.
7317.	Thirty years or more: regular enlisted members.
7318.	Thirty years or more: regular commissioned officers.
7320.	More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy.
7321.	Mandatory retirement: Superintendent of the United States Military Academy; waiver authority.
7324.	Forty years or more: Army officers.
7325.	Computation of years of service: voluntary retirement; enlisted members.
7326.	Computation of years of service: voluntary retirement; regular and reserve commissioned officers.
7329.	Computation of retired pay: law applicable.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 808(e)(2)(B), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 367 of this title as this chapter and items 3911, 3914, 3917, 3918, 3920, 3921, 3924 to 3926, and 3929 as 7311, 7314, 7317, 7318, 7320, 7321, 7324 to 7326, and 7329, respectively.

2004—Pub. L. 108-375, div. A, title V, § 541(c)(1)(B), Oct. 28, 2004, 118 Stat. 1904, inserted “; waiver authority” after “Academy” in item 3921.

1999—Pub. L. 106-65, div. A, title V, § 532(a)(4)(A), Oct. 5, 1999, 113 Stat. 603, added item 3921.

1996—Pub. L. 104-106, div. A, title V, § 509(a)(2), Feb. 10, 1996, 110 Stat. 298, substituted “permanent professors and the Director of Admissions of the United States Military Academy” for “permanent professors of United States Military Academy” in item 3920.

1981—Pub. L. 97-22, § 10(b)(5), July 10, 1981, 95 Stat. 137, struck out item 3922 “Thirty years or five years in grade: regular brigadier generals”.

1980—Pub. L. 96-513, title V, § 502(16), Dec. 12, 1980, 94 Stat. 2910, struck out item 3913 “Twenty years or more: deferred officers not recommended for promotion”, item 3916 “Twenty-eight years: promotion-list lieutenant colonels”, item 3919 “Thirty years or more: regular commissioned officers; excessive number”, item 3921 “Thirty years or five years in grade: promotion-list colonels”, item 3923 “Thirty-five years or five years in grade: regular major generals”, and item 3927 “Computation of years of service: mandatory retirement; regular commissioned officers”.

Pub. L. 96-343, § 9(a)(3), Sept. 8, 1980, 94 Stat. 1128, struck out “regular” before “enlisted members” in items 3914 and 3925.

1967—Pub. L. 90-130, § 1(13), Nov. 8, 1967, 81 Stat. 376, struck out item 3915 “Twenty-five years: regular majors; Women’s Army Corps, Army Nurse Corps and Army Medical Specialist Corps”.

1957—Pub. L. 85-155, title I, § 101(20), title IV, § 401(3), Aug. 21, 1957, 71 Stat. 380, 390, included the Army Nurse Corps and the Army Medical Specialist Corps within item 3915, and struck out item 3912 “Twenty years or more: regular commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps” and item 3928 “Computation of years of service: voluntary retirement; regular commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps”.

§ 7311. Twenty years or more: regular or reserve commissioned officers

(a) The Secretary of the Army may, upon the officer’s request, retire a regular or reserve commissioned officer of the Army who has at least 20 years of service computed under section 7326 of this title, at least 10 years of which have been active service as a commissioned officer.

(b)(1) The Secretary of Defense may authorize the Secretary of the Army, during the period specified in paragraph (2), to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Army) of not less than eight years.

(2) The period specified in this paragraph is the period beginning on January 7, 2011, and ending on September 30, 2018.

(Aug. 10, 1956, ch. 1041, 70A Stat. 224, § 3911; Pub. L. 101-510, div. A, title V, § 523(a), Nov. 5, 1990, 104 Stat. 1562; Pub. L. 103-160, div. A, title V, § 561(c), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105-261, div. A, title V, § 561(e), Oct. 17, 1998, 112 Stat. 2025; Pub. L. 106-398, § 1 [[div. A], title V, § 571(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-134; Pub. L. 109-163, div. A, title V, § 502(a), Jan. 6, 2006, 119 Stat. 3225; Pub. L. 109-364, div. A, title X, § 1071(a)(27), Oct. 17, 2006, 120 Stat. 2399; Pub. L. 111-383, div. A, title V, § 506(a), Jan. 7, 2011, 124 Stat. 4210; Pub. L. 112-239, div. A, title V, § 505(a), title X, § 1076(e)(6), Jan. 2, 2013, 126 Stat. 1715, 1951; renumbered § 7311 and amended Pub. L. 115-232, div. A, title VIII, §§ 808(b)(12), 809(a), Aug. 13, 2018, 132 Stat. 1838, 1840.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3911	10:943a. 10:971b (1st 100 words).	July 31, 1935, ch. 422, § 5 (1st 101 words); re-stated June 13, 1940, ch. 344, § 3 (1st 45 words), 54 Stat. 380; June 29, 1948, ch. 708, § 202 (1st 105 words), 62 Stat. 1084; July 16, 1953, ch. 203, 67 Stat. 175.

The words “a regular or reserve commissioned officer of the Army” are substituted for the words “any officer on the active list of the Regular Army * * * or any officer of the reserve components of the Army of the United States”. The words “Philippine Scouts” are omitted as obsolete. The words “has at least 20” are substituted for the words “shall have completed not less than twenty”. The words “upon the officer’s request” are substituted for the words “upon his own application”. The words “service computed under section 3926 of this title” are substituted for the words “active Federal service in the armed forces of the United States”, since that revised section makes explicit the service covered.

PRIOR PROVISIONS

A prior section 7311 was renumbered section 8681 of this title.

A prior section 7312 was renumbered section 8682 of this title.

Another prior section 7312, added Pub. L. 100-180, div. A, title XI, §1102(a)(1), Dec. 4, 1987, 101 Stat. 1145; amended Pub. L. 100-456, div. A, title XII, §1223, Sept. 29, 1988, 102 Stat. 2054; Pub. L. 101-189, div. A, title XVI, §1612, Nov. 29, 1989, 103 Stat. 1601, related to progress payments under certain contracts for repair or maintenance of naval vessels, prior to repeal by Pub. L. 103-355, title II, §2001(j)(1), title X, §10001, Oct. 13, 1994, 108 Stat. 3303, 3404, effective Oct. 13, 1994, except as otherwise provided. See section 2307(g) of this title.

A prior section 7313 was renumbered section 8683 of this title.

AMENDMENTS

2018—Pub. L. 115-232, §808(b)(12), renumbered section 3911 of this title as this section.

Subsec. (a). Pub. L. 115-232, §809(a), substituted “section 7326” for “section 3926”.

2013—Subsec. (b)(2). Pub. L. 112-239, §1076(e)(6), substituted “January 7, 2011,” for “the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011”.

Pub. L. 112-239, §505(a), substituted “September 30, 2018” for “September 30, 2013”.

2011—Subsec. (b)(2). Pub. L. 111-383 substituted “the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013” for “January 6, 2006, and ending on December 31, 2008”.

2006—Subsec. (b). Pub. L. 109-364 struck out second comma after “paragraph (2)” in par. (1) and substituted “January 6, 2006,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006” in par. (2).

Pub. L. 109-163 designated existing provisions as par. (1), substituted “during the period specified in paragraph (2),” for “during the period beginning on October 1, 1990, and ending on December 31, 2001”, and added par. (2).

2000—Subsec. (b). Pub. L. 106-398 substituted “December 31, 2001” for “September 30, 2001”.

1998—Subsec. (b). Pub. L. 105-261 substituted “during the period beginning on October 1, 1990, and ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990.”

1993—Subsec. (b). Pub. L. 103-160 substituted “nine-year period” for “five-year period”.

1990—Pub. L. 101-510 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Army, during the period beginning Oct. 23, 1992, and ending Oct. 1, 1995, to apply this section to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting “at least 15 years” for “at least 20 years” in subsec. (a) of this section, see section 4403 of Pub. L. 102-484, set out as a note under section 1293 of this title.

§ 7314. Twenty to thirty years: enlisted members

Under regulations to be prescribed by the Secretary of the Army, an enlisted member of the Army who has at least 20, but less than 30, years of service computed under section 7325 of this title may, upon his request, be retired.

(Aug. 10, 1956, ch. 1041, 70A Stat. 225, §3914; Pub. L. 85-861, §33(a)(25), Sept. 2, 1958, 72 Stat. 1565; Pub. L. 96-343, §9(a)(1), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 103-337, div. A, title V, §515(a), Oct. 5, 1994, 108 Stat. 2753; renumbered §7314 and amended Pub. L. 115-232, div. A, title VIII, §§808(b)(12), 809(a), Aug. 13, 2018, 132 Stat. 1838, 1840.)

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3914	10:948 (1st sentence). 10:948a.	Oct. 6, 1945, ch. 393, § 4 (1st sentence); restated Aug. 10, 1946, ch. 952, § 6(a) (1st sentence), 60 Stat. 996. Aug. 10, 1946, ch. 952, § 7, 60 Stat. 996.

The words “now or hereafter”, in 10:948a, are omitted as surplusage. The words “computed under section 3925 of this title” are substituted for the words “active Federal service”, in 10:948, and “active Federal military service”, in 10:948a, since that revised section makes explicit the service covered. The words “be retired” are substituted for the words “will be placed on the retired list of”, in 10:948. The words “completed a minimum”, in 10:948; and “the period of”, “be subject to”, “periods of”, and “now or after August 10, 1946”, in 10:948a; are omitted as surplusage.

1958 ACT

The change makes clear that the Secretary of the Army is required to prescribe regulations in this case, and conforms this section to section 8914, its Air Force counterpart.

PRIOR PROVISIONS

Prior sections 7314 to 7316 were renumbered sections 8684 to 8686 of this title, respectively.

AMENDMENTS

2018—Pub. L. 115-232, §809(a), substituted “section 7325” for “section 3925”.

Pub. L. 115-232, §808(b)(12), renumbered section 3914 of this title as this section.

1994—Pub. L. 103-337 struck out at end “A regular enlisted member then becomes a member of the Army Reserve. A member retired under this section shall perform such active duty as may be prescribed by law