

waiver is granted for an officer, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of the waiver, with a statement of the reasons supporting the decision that the officer not retire, and a written notification of the intent of the President to nominate the officer for reassignment.

(Added Pub. L. 106-65, div. A, title V, § 532(a)(1)(A), Oct. 5, 1999, 113 Stat. 602, § 3921; amended Pub. L. 108-375, div. A, title V, § 541(a)(1), (c)(1)(A), Oct. 28, 2004, 118 Stat. 1902, 1903; renumbered § 7321, Pub. L. 115-232, div. A, title VIII, § 808(b)(12), Aug. 13, 2018, 132 Stat. 1838.)

PRIOR PROVISIONS

A prior section 7321 was renumbered section 8691 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3921 of this title as this section.

2004—Pub. L. 108-375 inserted “; waiver authority” at end of section catchline, designated existing provisions as subsec. (a), inserted heading, 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.

APPLICATION OF SECTION TO SUPERINTENDENTS SERVING ON OCTOBER 5, 1999

Pub. L. 106-65, div. A, title V, § 532(a)(5), Oct. 5, 1999, 113 Stat. 604, provided that: “The amendments made by this subsection [enacting this section and sections 4333a, 6371, 6951a, 8921, and 9333a of this title] shall not apply to an officer serving on the date of the enactment of this Act [Oct. 5, 1999] in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service.”

§ 7324. Forty years or more: Army officers

(a) Except as provided in section 1186 of this title, a commissioned officer of the Army who has at least 40 years of service computed under section 7326 of this title shall be retired upon his request.

(b) Any warrant officer of the Army who has at least 40 years of service computed under section 7326(a) of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 227, § 3924; Pub. L. 96-513, title V, § 502(17), Dec. 12, 1980, 94 Stat. 2910; renumbered § 7324 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3924(a)	10:942 (as applicable to commissioned officers).	June 30, 1882, ch. 254 (last 21 words of 3d proviso under “Pay Department”), 22 Stat. 118.
3924(b)	10:942 (less applicability to commissioned officers).	

In subsection (a), the words “except as provided in section 3786 of this title” are inserted, since, under that revised section, when board proceedings are pending against a commissioned officer, his right to retire under this revised section, which is otherwise absolute, is discretionary with the Secretary under that revised section.

In subsections (a) and (b), the words “or volunteer service, or both” are omitted as obsolete in accordance with an opinion of the Attorney General, 22 Ops. Atty. Gen. 199, August 30, 1898, holding that such words refer to volunteer service in the Civil War. The words “upon his request” are substituted for the words “if he make application therefor to the President”.

In subsection (b), the applicability of 10:942 to warrant officers is based on an opinion of the Judge Advocate General of the Army (JAGA 1950/6951, 4 Jan. 1951), which holds that 10:594 (less provisos) makes 10:942 applicable to warrant officers.

AMENDMENTS

2018—Pub. L. 115-232, § 808(b)(12), renumbered section 3924 of this title as this section.

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

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

1980—Subsec. (a). Pub. L. 96-513 substituted “1186” for “3786”.

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.

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.

§ 7325. Computation of years of service: voluntary retirement; enlisted members

(a) For the purpose of determining whether an enlisted member of the Army may be retired under section 7314 or 7317 of this title, his years of service are computed by adding all active service in the armed forces and service computed under section 3683¹ of this title.

(b) Time required to be made up under section 972(a) of this title may not be counted in determining years of service under subsection (a).

(Aug. 10, 1956, ch. 1041, 70A Stat. 228, § 3925; Pub. L. 85-861, § 1(97), Sept. 2, 1958, 72 Stat. 1488; Pub. L. 96-343, § 9(a)(2), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 99-348, title II, § 202(c), July 1, 1986, 100 Stat. 695; Pub. L. 103-337, div. A, title VI, § 635(a)(1), Oct. 5, 1994, 108 Stat. 2788; Pub. L. 104-106, div. A, title V, § 561(d)(2)(A), Feb. 10, 1996, 110 Stat. 322; renumbered § 7325 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3925(a)	10:947 (proviso). 10:958.	Mar. 2, 1907, ch. 2515, § 1 (proviso), 34 Stat. 1218.
3925(b)	[No source].	Aug. 10, 1946, ch. 952, § 6(b), 60 Stat. 996.

¹ See References in Text note below.