

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.

§ 633. Retirement for years of service: regular lieutenant colonels and commanders

(a) 28 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided under section 637(b) or 637a of this title, each officer of the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Space Force who holds the regular grade of lieutenant colonel, and each officer of the Regular Navy who holds the regular grade of commander, who is not on a list of officers recommended for promotion to the regular grade of colonel or captain, respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes 28 years of active commissioned service.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

- (1) An officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 8146(e) or 8372 of this title applies.
- (2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2862; amended Pub. L. 98-525, title V, §529(b), title XIV, §1405(12), Oct. 19, 1984, 98 Stat. 2526, 2622; Pub. L. 102-484, div. A, title V, §504(a), Oct. 23, 1992, 106 Stat. 2403; Pub. L. 103-160, div. A, title V, §561(e), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105-261, div. A, title V, §504(a), Oct. 17, 1998, 112 Stat. 2004; Pub. L. 109-163, div. A, title V, §509(a)(1), Jan. 6, 2006, 119 Stat. 3229; Pub. L. 114-328, div. A, title V, §505(b)(1), Dec. 23, 2016, 130 Stat. 2108; Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840; Pub. L. 116-283, div. A, title IX, §924(b)(4)(D), Jan. 1, 2021, 134 Stat. 3822.)

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Regular Marine Corps, or Regular Space Force” for “or Regular Marine Corps”.

2018—Subsec. (b)(1). Pub. L. 115-232 substituted “section 8146(e) or 8372” for “section 5596(e) or 6383”.

2016—Subsec. (a). Pub. L. 114-328 inserted “or 637a” after “637(b)”.

2006—Pub. L. 109-163 designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b) and as provided” for “Except an officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies and except as provided”, and added subsec. (b).

1998—Pub. L. 105-261 substituted “Except an officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies” for “Except an officer of the Navy designated for limited duty to whom section 5596(e) of this title applies and an officer of the Marine Corps designated for limited duty to whom section 5596(e) or section 6383 of this title applies” and struck out at end “During the period beginning on July 1, 1993, and ending on October 1, 1999, the preceding sentence shall not apply to an officer of the Navy designated for limited duty to whom section 6383 of this title applies.”

1993—Pub. L. 103-160 substituted “October 1, 1999” for “October 1, 1995”.

1992—Pub. L. 102-484 inserted at end “During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Navy designated for limited duty to whom section 6383 of this title applies.”

1984—Pub. L. 98-525, §1405(12), substituted “28” for “twenty-eight”.

Pub. L. 98-525, §529(b), substituted “Except an officer of the Navy designated for limited duty to whom section 5596(e) of this title applies and an officer of the Marine Corps designated for limited duty to whom section 5596(e) or section 6383 of this title applies” for “Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies)”.

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

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.

§ 634. Retirement for years of service: regular colonels and Navy captains

(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided under section 637(b) or 637a of this title, each officer of the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Space Force who holds the regular grade of colonel, and each officer of the Regular Navy who holds the regular grade of captain, who is not on a list of officers recommended for promotion to the regular grade of brigadier general or rear admiral (lower half), respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes 30 years of active commissioned service.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

- (1) An officer of the Navy who is designated for limited duty to whom section 8372(a)(4) of this title applies.
- (2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2862; amended Pub. L. 97-86, title IV, §405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 98-525, title XIV, §1405(13), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 99-145, title V, §514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 102-484, div. A, title V, §504(b), Oct. 23, 1992, 106 Stat. 2403; Pub. L. 103-160, div. A, title V, §561(e), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105-261, div. A, title V, §504(b), Oct. 17, 1998, 112 Stat. 2004; Pub. L. 109-163, div. A, title V, §509(a)(2), Jan. 6, 2006, 119 Stat. 3229; Pub. L. 114-328, div. A, title V, §505(b)(2), Dec. 23, 2016, 130 Stat. 2108; Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840; Pub. L. 116-283, div. A, title IX, §924(b)(4)(E), Jan. 1, 2021, 134 Stat. 3822.)

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Regular Marine Corps, or Regular Space Force” for “or Regular Marine Corps”.

2018—Subsec. (b)(1). Pub. L. 115-232 substituted “section 8372(a)(4)” for “section 6383(a)(4)”.

2016—Subsec. (a). Pub. L. 114-328 inserted “or 637a” after “637(b)”.

2006—Pub. L. 109-163 designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b) and as provided” for “Except an officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies and except as provided”, and added subsec. (b).

1998—Pub. L. 105-261 inserted “an officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies and except” after “Except” and struck out at end “During the period beginning on July 1, 1993, and ending on October 1, 1999, the preceding sentence shall not apply to an officer of the Regular Navy designated for limited duty to whom section 6383(a)(4) of this title applies.”

1993—Pub. L. 103-160 substituted “October 1, 1999” for “October 1, 1995”.

1992—Pub. L. 102-484 inserted at end “During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Regular Navy designated for limited duty to whom section 6383(a)(4) of this title applies.”

1985—Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Pub. L. 98-525 substituted “30” for “thirty”.

1981—Pub. L. 97-86 substituted “commodore” for “commodore admiral”.

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 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

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.

§ 635. Retirement for years of service: regular brigadier generals and rear admirals (lower half)

Except as provided under section 637(b) or 637a of this title, each officer of the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Space Force who holds the regular grade of brigadier general, and each officer of the Regular Navy who holds the regular grade of rear admiral (lower half), who is not on a list of officers recommended for promotion to the regular grade of major general or rear admiral, respectively, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes 30 years of active commissioned service, whichever is later.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2863; amended Pub. L. 97-86, title IV,

§405(b)(1), (5)(A), Dec. 1, 1981, 95 Stat. 1105, 1106; Pub. L. 98-525, title XIV, §1405(13), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 99-145, title V, §514(b)(1), (5)(A), Nov. 8, 1985, 99 Stat. 628; Pub. L. 114-328, div. A, title V, §505(b)(3), Dec. 23, 2016, 130 Stat. 2108; Pub. L. 116-283, div. A, title IX, §924(b)(4)(F), Jan. 1, 2021, 134 Stat. 3822.)

AMENDMENTS

2021—Pub. L. 116-283 substituted “Regular Marine Corps, or Regular Space Force” for “or Regular Marine Corps”.

2016—Pub. L. 114-328 inserted “or 637a” after “637(b)”.

1985—Pub. L. 99-145 substituted “rear admirals (lower half)” for “commodores” in section catchline and “rear admiral (lower half)” for “commodore” in text.

1984—Pub. L. 98-525 substituted “30” for “thirty”.

1981—Pub. L. 97-86 substituted “commodores” for “commodore admirals” in section catchline and “commodore” for “commodore admiral” in text.

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

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.

§ 636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half)

(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except as provided in subsection (b) or (c) and under section 637(b) or 637a of this title, each officer of the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Space Force who holds the regular grade of major general, and each officer of the Regular Navy who holds the regular grade of rear admiral, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes 35 years of active commissioned service, whichever is later.

(b) LIEUTENANT GENERALS AND VICE ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of lieutenant general or vice admiral, the number of years of active commissioned service applicable to the officer is 38 years.

(c) GENERALS AND ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of general or admiral, the number of years of active commissioned service applicable to the officer is 40 years.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2863; amended Pub. L. 98-525, title XIV, §1405(14), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 105-85, div. A, title V, §506(a), (b), Nov. 18, 1997, 111 Stat. 1726; Pub. L. 114-328, div. A, title V, §505(b)(4), Dec. 23, 2016, 130 Stat. 2108; Pub. L. 116-283, div. A, title IX, §924(b)(4)(G), Jan. 1, 2021, 134 Stat. 3822.)

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Regular Marine Corps, or Regular Space Force” for “or Regular Marine Corps”.