

enactment of this Act, to perform the duties of the officer's former position and any other such duties that the Commandant prescribes."

### § 306. Retirement

(a) An officer, other than the Commandant or Vice Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served satisfactorily, as determined under section 2501 of this title.

(b) An officer, other than the Commandant or Vice Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served satisfactorily, as determined under section 2501 of this title.

(c) An officer, other than the Commandant or Vice Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade if performance of duties in such grade is determined to have been satisfactory pursuant to section 2501 of this title.

(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, or Vice Admiral and ending on the day before the officer's retirement, but not for more than 60 days.

(Added Pub. L. 92-451, §1(5), Oct. 2, 1972, 86 Stat. 755, §51; amended Pub. L. 99-348, title II, §205(b)(3), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, §§204(d), 205(c), Dec. 20, 1993, 107 Stat. 2421, 2422; Pub. L. 111-281, title V, §511(c), Oct. 15, 2010, 124 Stat. 2952; Pub. L. 114-120, title II, §201(c), Feb. 8, 2016, 130 Stat. 33; Pub. L. 115-232, div. C, title XXXV, §3528(b), Aug. 13, 2018, 132 Stat. 2318; renumbered §306, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8201(b), Jan. 1, 2021, 134 Stat. 4641.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 306, act Aug. 4, 1949, ch. 393, 63 Stat. 519, related to retirement for disabilities incident to service, prior to repeal by act Aug. 3, 1950, ch. 536, §36, 64 Stat. 408, and by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177. See sections 1204 and 1376 of Title 10, Armed Forces.

##### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §8201(b)(1), inserted "satisfactorily, as determined under section 2501 of this title" before period at end.

Subsec. (b). Pub. L. 116-283, §8201(b)(2), inserted "satisfactorily, as determined under section 2501 of this title" before period at end.

Subsec. (c). Pub. L. 116-283, §8201(b)(3), inserted "if performance of duties in such grade is determined to have been satisfactory pursuant to section 2501 of this title" before period at end.

2018—Pub. L. 115-282 renumbered section 51 of this title as this section.

Subsecs. (a) to (c). Pub. L. 115-232 substituted "other than the Commandant or Vice Commandant," for "other than the Commandant,".

2016—Subsecs. (a) to (c). Pub. L. 114-120 inserted "admiral or" before "vice admiral," wherever appearing.

2010—Subsecs. (a) to (c). Pub. L. 111-281, §511(c)(1), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which read as follows:

"(a) An officer who, while serving in the grade of vice admiral, is retired for physical disability shall be placed on the retired list with the grade of vice admiral.

"(b) An officer who is retired while serving in the grade of vice admiral, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade of vice admiral.

"(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade."

Subsec. (d)(2). Pub. L. 111-281, §511(c)(2), substituted "or Vice Admiral" for "Area Commander, or Chief of Staff".

1993—Subsec. (a). Pub. L. 103-206, §205(c)(1), substituted "in the grade of vice admiral" for "as Commander, Atlantic Area, or Commander, Pacific Area".

Subsec. (b). Pub. L. 103-206, §205(c)(2), substituted "in the grade of vice admiral" for "as Commander, Atlantic Area, or Commander, Pacific Area".

Subsec. (d). Pub. L. 103-206, §204(d), added subsec. (d).

1986—Subsecs. (a), (b). Pub. L. 99-348, §205(b)(3)(A), struck out "and retired pay" after "with the grade".

Subsec. (c). Pub. L. 99-348, §205(b)(3)(B), struck out "and with the retired pay of that grade" after "permanent grade".

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as an Effective Date of 1972 Amendment note under section 2151 of this title.

### §307. Vice admirals and admiral, continuity of grade

The continuity of an officer's precedence on the active duty promotion list, date of rank, grade, pay, and allowances as a vice admiral or admiral shall not be interrupted by the termination of an appointment for the purpose of reappointment to another position as a vice admiral or admiral.

(Added Pub. L. 97-322, title I, §115(a)(1), Oct. 15, 1982, 96 Stat. 1585, §52; amended Pub. L. 101-225, title II, §203(1), Dec. 12, 1989, 103 Stat. 1911; Pub. L. 111-281, title V, §511(d), (f)(2), Oct. 15, 2010, 124 Stat. 2952, 2953; renumbered §307, Pub. L. 115-282, title I, §104(b), Dec. 4, 2018, 132 Stat. 4196.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 307, act Aug. 4, 1949, ch. 393, 63 Stat. 519, provided for compulsory retirement of warrant officers after thirty years' service, upon recommendation of a personnel board, prior to repeal by act May 29, 1954,