

listed members of the naval service are available for payments under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 391, § 6292; renumbered § 8317, Pub. L. 115-232, div. A, title VIII, § 807(b)(14), Aug. 13, 2018, 132 Stat. 1836.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6292(a) .....	34 U.S.C. 900a.	Sept. 24, 1945, ch. 385, § 1, 59 Stat. 536.
6292(b) .....	34 U.S.C. 900a (note).	Sept. 24, 1945, ch. 385, § 3, 59 Stat. 537.

The word “member” is substituted for the word “person” and the words “naval service” are substituted for the words “Navy, Marine Corps, and the Reserve components thereof”. The words “form of” are added for clarity. Reference to the date “September 24, 1945” is omitted as unnecessary. The words “is entitled to” are substituted for the words “shall be furnished” for uniformity. The decision of the Comptroller General of December 23, 1949 (B-91297), has not been overlooked. That decision, without passing on a case in which the point was involved, indicated that the transportation entitlement in 34 U.S.C. 900a might be impliedly repealed by the Career Compensation Act of 1949. The editors of the United States Code Annotated, apparently on the basis of this decision, have omitted 34 U.S.C.A. 900a from the 1954 pocket part. A conclusion that the section is repealed, however, defeats the specific purpose of the provision, which, as indicated in the legislative hearings, was to insure that underage discharges would be transported home and not simply released at the place of discharge.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6292 of this title as this section.

#### Statutory Notes and Related Subsidiaries

##### 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.

### CHAPTER 841—VOLUNTARY RETIREMENT

Sec.	
8321.	Officers: 40 years.
8322.	Officers: 30 years.
8323.	Officers: 20 years.
8324.	Officers: creditable service.
8325.	Officers: retired grade and pay.
8326.	Enlisted members: 30 years.
8327.	Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.
8328.	Computation of years of service: voluntary retirement.
8329.	Officers not to be retired for misconduct.
8330.	Enlisted members: transfer to Fleet Reserve and Fleet Marine Corps Reserve; retainer pay.
8331.	Members of the Fleet Reserve and Fleet Marine Corps Reserve: transfer to the retired list; retired pay.
8332.	Conclusiveness of transfers.
8333.	Computation of retired and retainer pay.
8334.	Higher grade after 30 years of service: warrant officers and enlisted members.
8335.	Restoration to former grade: warrant officers and enlisted members.

Sec.	
8336.	Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member’s misconduct.

#### Editorial Notes

##### PRIOR PROVISIONS

A prior chapter 841, consisting of sections 8491 to 8504, related to active duty in the Air Force, prior to renumbering as chapter 921 of this title.

##### AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 807(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 571 of this title as this chapter and items 6321 to 6336 as 8321 to 8336, respectively.

2006—Pub. L. 109-163, div. A, title V, § 515(b)(4)(B), Jan. 6, 2006, 119 Stat. 3235, substituted “Navy Reserve” for “Naval Reserve” in item 6327.

1996—Pub. L. 104-201, div. A, title V, § 532(b)(2), Sept. 23, 1996, 110 Stat. 2519, added item 6336.

Pub. L. 104-106, div. A, title V, § 561(d)(3)(B), Feb. 10, 1996, 110 Stat. 323, added item 6328.

1987—Pub. L. 100-180, div. A, title V, § 512(e)(2), Dec. 4, 1987, 101 Stat. 1091, added items 6334 and 6335.

1986—Pub. L. 99-348, title III, § 304(b)(3), July 1, 1986, 100 Stat. 704, struck out item 6328 “Treatment of fractions of years of service in computing retired pay” and substituted “Computation of” for “Treatment of fractions of dollar amounts in computing” in item 6333.

1983—Pub. L. 98-94, title IX, § 922(a)(10)(B), Sept. 24, 1983, 97 Stat. 641, added item 6333.

1967—Pub. L. 90-130, § 1(23)(B), Nov. 8, 1967, 81 Stat. 380, struck out “Nurse Corps” before “Officers” in item 6324.

#### § 8321. Officers: 40 years

(a) Each officer of the Regular Navy or the Regular Marine Corps holding a permanent appointment in the grade of warrant officer, W-1, or above who applies for retirement after completing 40 or more years of active service shall be retired by the Secretary of the Navy.

(b) For the purpose of this section, an officer’s years of active service are computed by adding all his active service in the armed forces.

(Aug. 10, 1956, ch. 1041, 70A Stat. 393, § 6321; renumbered § 8321, Pub. L. 115-232, div. A, title VIII, § 807(b)(15), Aug. 13, 2018, 132 Stat. 1836.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6321 .....	34 U.S.C. 381.	R.S. 1443; June 17, 1948, ch. 497, § 1(a), 62 Stat. 477.
	34 U.S.C. 879 (less applicability to enlisted men).	June 4, 1920, ch. 228, § 3 (3d proviso, less applicability to enlisted men), 41 Stat. 835.
	34 U.S.C. 626-1(a) (1st sentence).	Aug. 7, 1947, ch. 512, § 314(a) (1st sentence), 61 Stat. 863; May 5, 1954, ch. 180, § 205, 68 Stat. 68.

In subsection (a) the words “Regular” and “holding a permanent appointment in the grade of warrant officer, W-1, or above” are inserted for clarity. The word “shall” is substituted for the word “may” because the Attorney General has construed R.S. 1443 as conferring a right to retirement upon officers who apply for it after 40 years of service (30 Op. Atty. Gen. 406). The words “from active service” are omitted as surplusage. The words “after completing 40 or more years of active service” are substituted for the words “has been forty years in the service of the United States” for clarity.

In subsection (b) the accepted meaning of the words “service of the United States” is spelled out for clarity.