

§ 14512. Separation at age 66: officers holding certain offices

(a) ARMY AND AIR FORCE.—(1) Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is specified in paragraph (2) shall on the last day of the month in which the officer becomes 66 years of age, be separated in accordance with section 14515 of this title.

(2) Paragraph (1) applies to a reserve officer of the Army or Air Force who is any of the following:

(A) The Chief of the Army Reserve, Chief of the Air Force Reserve, Director of the Army National Guard, or Director of the Air National Guard.

(B) An adjutant general.

(C) If a reserve officer of the Army, the commanding general of the troops of a State.

(b) NAVY AND MARINE CORPS.—(1) The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 66 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Navy Reserve and the Marine Corps Reserve as the Secretary determines.

(2) The Secretary of Defense may defer the retirement of a reserve officer serving in the position of Chief of the Navy Reserve or Commander of the Marine Forces Reserve, but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age. A deferment under this paragraph shall not count toward the limitation on the total number of officers whose retirement may be deferred at any one time under paragraph (1).

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 109-163, div. A, title V, §§511, 515(b)(1)(UU), Jan. 6, 2006, 119 Stat. 3231, 3234; Pub. L. 109-364, div. A, title V, §503(d), Oct. 17, 2006, 120 Stat. 2178; Pub. L. 110-181, div. A, title XVIII, §1825(b), Jan. 28, 2008, 122 Stat. 502.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3845, 6391(b), and 8845 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (b)(3), (c)(3).

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-181, §1825(b)(1), redesignated subpars. (B) to (D) as (A) to (C), respectively, and struck out former subpar. (A) which read as follows: “The Chief of the National Guard Bureau.”

Subsec. (b). Pub. L. 110-181, §1825(b)(2), designated existing provisions as par. (1) and added par. (2).

2006—Pub. L. 109-364, §503(d)(2), substituted “66” for “64” in section catchline.

Subsec. (a). Pub. L. 109-163, §511, designated existing provisions as par. (1), substituted “who is specified in paragraph (2)” for “who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of

the Army, commanding general of the troops of a State.”, and added par. (2).

Subsec. (a)(1). Pub. L. 109-364, §503(d)(1), substituted “66” for “64”.

Subsec. (b). Pub. L. 109-364, §503(d)(1), substituted “66” for “64”.

Pub. L. 109-163, §515(b)(1)(UU), substituted “Navy Reserve” for “Naval Reserve”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14513. Failure of selection for promotion: transfer, retirement, or discharge

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

(2) be transferred to the Retired Reserve if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 107-107, div. A, title V, §517(b)(1), (2)(A), Dec. 28, 2001, 115 Stat. 1094.)

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-107, §517(b)(2)(A), substituted “Failure of selection for promotion: transfer, retirement, or discharge” for “Separation for failure of selection of promotion” in section catchline.

Par. (2). Pub. L. 107-107, §517(b)(1), substituted “if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve” for “, if the officer is qualified and applies for such transfer”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as a note under section 10154 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.