

tive-duty list who holds the grade of captain or major, and each officer of the Navy on the active-duty list who holds the grade of lieutenant or lieutenant commander, who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall—

(1) except as provided in paragraph (3) and in subsection (c), be discharged on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public;

(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public; or

(3) if on the date on which he is to be discharged under paragraph (1) he is within two years of qualifying for retirement under section 7311, 8323, or 9311 of this title, be retained on active duty until he is qualified for retirement and then retired under that section, unless he is sooner retired or discharged under another provision of law.

(b) The retirement or discharge of an officer pursuant to this section shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

(c)(1) If an officer is subject to discharge under subsection (a)(1) and, as of the date on which the officer is to be discharged under that subsection, the officer has not completed the officer's active duty service obligation, the officer shall be retained on active duty until completion of such active duty service obligation, and then be discharged under subsection (a)(1), unless sooner retired or discharged under another provision of law.

(2) The Secretary concerned may waive the applicability of paragraph (1) to any officer if the Secretary determines that completion of the active duty service obligation of that officer is not in the best interest of the service.

(Added Pub. L. 96-513, title I, §105, Dec. 12, 1980, 94 Stat. 2862; amended Pub. L. 107-107, div. A, title V, §505(d)(3), (4)(C), Dec. 28, 2001, 115 Stat. 1088; Pub. L. 108-136, div. A, title V, §505(a), (b), Nov. 24, 2003, 117 Stat. 1457; Pub. L. 108-375, div. A, title X, §1084(d)(6), Oct. 28, 2004, 118 Stat. 2061; 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)(3)(J), Jan. 1, 2021, 134 Stat. 3821; Pub. L. 118-31, div. A, title V, §508(a)(1), Dec. 22, 2023, 137 Stat. 242; Pub. L. 118-159, div. A, title V, §§505(b)(2), 507, Dec. 23, 2024, 138 Stat. 1869, 1871.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a)(2). Pub. L. 118-159, §505(b)(2), substituted “the Secretary concerned releases the pro-

motion results of the board which considered the officer for the second time to the public” for “the President approves the report of the board which considered him for the second time”.

Subsec. (c). Pub. L. 118-159, §507, amended subsec. (c) generally. Prior to amendment, subsec. (c) related to retention of discharged health professions officers on active duty until completion of such active duty service obligation.

2023—Pub. L. 118-31, §508(a)(1)(A), substituted “Marine Corps, and Space Force” for “and Marine Corps” in section catchline.

Subsec. (a)(1). Pub. L. 118-31, §508(a)(1)(B), substituted “Secretary concerned releases the promotion results of the board which considered the officer for the second time to the public” for “President approves the report of the board which considered him for the second time”.

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

2018—Subsec. (a). Pub. L. 115-232 substituted “section 8146(e) or 8372” for “section 5596(e) or 6383” in introductory provisions and “section 7311, 8323, or 9311” for “section 3911, 6323, or 8911” in par. (3).

2004—Subsec. (c)(1). Pub. L. 108-375 substituted “paragraph (3)” for “paragraph (2)” and “under that subsection” for “under that paragraph” before “, the officer has not”.

2003—Subsec. (a)(1). Pub. L. 108-136, §505(a)(1), inserted “except as provided in paragraph (3) and in subsection (c),” before “be discharged”.

Subsec. (a)(3). Pub. L. 108-136, §505(b), substituted “paragraph” for “clause”.

Subsec. (c). Pub. L. 108-136, §505(a)(2), added subsec. (c).

2001—Pub. L. 107-107, §505(d)(4)(C), struck out “regular” before “captains and majors” and before “lieutenants and lieutenant commanders” in section catchline.

Subsec. (a). Pub. L. 107-107, §505(d)(3), in introductory provisions, substituted “Army, Air Force, or Marine Corps on the active-duty list” for “Regular Army, Regular Air Force, or Regular Marine Corps” and “Navy on the active-duty list” for “Regular Navy” and struck out “regular” before “grade” wherever appearing.

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.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, §505(c), Nov. 24, 2003, 117 Stat. 1457, provided that: “The amendments made by subsection (a) [amending this section] shall not apply in the case of an officer who as of the date of the enactment of this Act [Nov. 24, 2003] is required to be discharged under section 632(a)(1) of title 10, United States Code, by reason of having failed of selection for promotion to the next higher regular grade a second time.”

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 and Space Force lieutenant colonels; regular Navy commanders

(a) 28 YEARS OF ACTIVE COMMISSIONED SERVICE.—(1) 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, or Regular Marine Corps 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.

(2) Except as provided under section 637(b) or 637a of this title, each officer of the Space Force who holds the grade of lieutenant colonel who is not on a list of officers recommended for promotion to the grade of colonel shall, if not earlier retired, be retired on the first day of the month after the month in which the officer 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; Pub. L. 118-31, div. A, title XVII, §1722(b)(6)(A), (E)(i), Dec. 22, 2023, 137 Stat. 669, 670.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, §1722(b)(6)(E)(i), substituted “and Space Force lieutenant colonels; regular Navy” for “lieutenant colonels and” in section catchline.

Subsec. (a). Pub. L. 118-31, §1722(b)(6)(A), designated existing provisions as par. (1), substituted “or Regular Marine Corps” for “Regular Marine Corps, or Regular Space Force”, and added par. (2).

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)”.

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.

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 and Space Force colonels; regular Navy captains

(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—(1) 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, or Regular Marine Corps 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.

(2) Except as provided under section 637(b) or 637a of this title, each officer of the Space Force who holds the grade of colonel who is not on a list of officers recommended for promotion to the grade of brigadier general shall, if not earlier retired, be retired on the first day of the month after the month in which the officer 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.