

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 and Space Force officers in grades above brigadier general; regular Navy officers in grades above rear admiral (lower half)

(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—(1) 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, or Regular Marine Corps 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.

(2) Except as provided in subsection (b) or (c) and under section 637(b) or 637a of this title, each officer of the Space Force who holds the grade of major general shall, if not earlier retired, be retired as specified in paragraph (1).

(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; Pub. L. 118-31, div. A, title XVII, § 1722(b)(6)(D), (E)(iv), Dec. 22, 2023, 137 Stat. 669, 670.)

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, § 1722(b)(6)(E)(iv), substituted “and Space Force officers in grades above brigadier general; regular Navy officers in grades above” for “officers in grades above brigadier general and” in section catchline.

Subsec. (a). Pub. L. 118-31, § 1722(b)(6)(D), 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”.

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

1997—Pub. L. 105-85, § 506(b), substituted “regular officers in grades above brigadier general and rear admiral (lower half)” for “regular major generals and rear admirals” in section catchline.

Pub. L. 105-85, § 506(a), designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b) or (c) and” for “Except as provided”, and added subsecs. (b) and (c).

1984—Pub. L. 98-525 substituted “35” for “thirty-five”.

Statutory Notes and Related Subsidiaries

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SUBCHAPTER IV—CONTINUATION ON ACTIVE DUTY AND SELECTIVE EARLY RETIREMENT

Sec. 637.	Selection of regular officers for continuation on active duty.
637a.	Continuation on active duty: officers in certain military specialties and career tracks.
638.	Selective early retirement.
638a.	Modification to rules for continuation on active duty; enhanced authority for selective early retirement and early discharges.
638b.	Voluntary retirement incentive.
639.	Continuation on active duty to complete disciplinary action.
640.	Deferment of retirement or separation for medical reasons.

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-328, div. A, title V, § 505(a)(2), Dec. 23, 2016, 130 Stat. 2108, added item 637a.

2011—Pub. L. 112-81, div. A, title V, § 504(a)(2), 125 Stat. 1390, added item 638b.

1990—Pub. L. 101-510, div. A, title V, § 521(a)(2), Nov. 5, 1990, 104 Stat. 1561, added item 638a.

§ 637. Selection of regular officers for continuation on active duty

(a)(1) An officer subject to discharge or retirement in accordance with section 632 of this title may, subject to the needs of the service, be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

(2) An officer who holds the regular grade of captain in the Army, Air Force, Marine Corps, or Space Force, or the regular grade of lieutenant in the Navy, and who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes 20 years of active commissioned service unless he is promoted to the regular grade of major or lieutenant commander, respectively.

(3) An officer who holds the regular grade of major or lieutenant commander who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes 24 years of active commissioned service unless he is promoted to the regular grade of lieutenant colonel or commander, respectively.

(4) An officer who is selected for continuation on active duty under this subsection but de-