

(b) Subsection (a) applies in the case of the following officers:

(1) Any permanent professor of the United States Military Academy.

(2) The Director of Admissions of the United States Military Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 226, §3920; Pub. L. 104-106, div. A, title V, §509(a)(1), Feb. 10, 1996, 110 Stat. 297; renumbered §7320, Pub. L. 115-232, div. A, title VIII, §808(b)(12), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3920	10:1079a(c) (proviso).	Aug. 7, 1947, ch. 512, §520(c) (proviso), 61 Stat. 912.

The word “retire” is substituted for the words “direct the retirement of”. The words “as a commissioned officer” are substituted for the word “commissioned”.

Editorial Notes

PRIOR PROVISIONS

A prior section 7320 was renumbered section 8690 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3920 of this title as this section.

1996—Pub. L. 104-106 substituted “permanent professors and the Director of Admissions of the United States Military Academy” for “permanent professors of United States Military Academy” in section catchline and amended text generally. Prior to amendment, text read as follows: “The Secretary of the Army may retire any permanent professor of the United States Military Academy who has more than 30 years of service as a commissioned officer.”

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.

§ 7321. Mandatory retirement: Superintendent of the United States Military Academy; waiver authority

(a) MANDATORY RETIREMENT.—Upon the termination of the detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which that officer is eligible to retire.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) for good cause. In each case in which such a waiver is granted for an officer, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of the waiver, with a statement of the reasons supporting the decision that the officer not retire, and a written notification of the intent of the President to nominate the officer for reassignment. In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such of-

ficer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.

(Added Pub. L. 106-65, div. A, title V, §532(a)(1)(A), Oct. 5, 1999, 113 Stat. 602, §3921; amended Pub. L. 108-375, div. A, title V, §541(a)(1), (c)(1)(A), Oct. 28, 2004, 118 Stat. 1902, 1903; renumbered §7321, Pub. L. 115-232, div. A, title VIII, §808(b)(12), Aug. 13, 2018, 132 Stat. 1838; Pub. L. 117-263, div. A, title V, §509(a), Dec. 23, 2022, 136 Stat. 2560.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7321 was renumbered section 8691 of this title.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-263 inserted at end: “In the event a waiver under this subsection is granted, the subsequent nomination and appointment of such officer having served as Superintendent of the Academy to a further assignment in lieu of retirement shall be subject to the advice and consent of the Senate.”

2018—Pub. L. 115-232 renumbered section 3921 of this title as this section.

2004—Pub. L. 108-375 inserted “; waiver authority” at end of section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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.

APPLICATION OF SECTION TO SUPERINTENDENTS SERVING ON OCTOBER 5, 1999

Pub. L. 106-65, div. A, title V, §532(a)(5), Oct. 5, 1999, 113 Stat. 604, provided that: “The amendments made by this subsection [enacting this section and sections 4333a, 6371, 6951a, 8921, and 9333a of this title] shall not apply to an officer serving on the date of the enactment of this Act [Oct. 5, 1999] in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service.”

§ 7324. Forty years or more: Army officers

(a) Except as provided in section 1186 of this title, a commissioned officer of the Army who has at least 40 years of service computed under section 7326 of this title shall be retired upon his request.

(b) Any warrant officer of the Army who has at least 40 years of service computed under section 7326(a) of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 227, §3924; Pub. L. 96-513, title V, §502(17), Dec. 12, 1980, 94 Stat. 2910; renumbered §7324 and amended Pub. L. 115-232, div. A, title VIII, §§808(b)(12), 809(a), Aug. 13, 2018, 132 Stat. 1838, 1840.)