

lease from the naval service, with pay and allowances and form of discharge certificate appropriate for his service after enlistment, any enlisted member who, as the result of a false statement of age on his application for enlistment, was enlisted while under the minimum statutory or administrative age limit. A member so discharged or released is entitled to transportation in kind and subsistence from the place of discharge to his home.

(b) Appropriations available for pay and allowances, subsistence, and transportation of enlisted 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in which the point was involved, indicated that the transportation entitlement in 34 U.S.C. 900a might be impliedly repealed by the Career Compensation Act of 1949.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 A conclusion that the section is repealed, however, defeats the specific purpose of the provision, which, as indicated in the legislative hearings, was to insure that underage discharges would be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.
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8332.	Conclusiveness of transfers.
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8334.	Higher grade after 30 years of service: warrant officers and enlisted members.
8335.	Restoration to former grade: warrant officers and enlisted members.
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. They have been consistently interpreted to include active service in the armed forces as defined in this title.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6321 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.

**§ 8322. Officers: 30 years**

(a) An 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 30 or more years of active service may, in the discretion of the Secretary of the Navy, be retired.

(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. 394, §6322; Pub. L. 96-342, title VIII, §813(d)(1), Sept. 8, 1980, 94 Stat. 1104; Pub. L. 96-513, §513(17), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 99-348, title II, §203(b)(1), July 1, 1986, 100 Stat. 696; renumbered §8322, Pub. L. 115-232, div. A, title VIII, §807(b)(15), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6322 .....	34 U.S.C. 383.	May 13, 1908, ch. 166, 35 Stat. 128 (8th sentence, less proviso); June 17, 1948, ch. 497, §1(d), 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. 963; May 5, 1954, ch. 190, §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 words “after completing 30 or more years of active service” are substituted for the words “has been thirty years in the service” for clarity. The words “retired from active service” are omitted as surplusage.

Subsection (b) is added to clarify the word “service”. It has been consistently interpreted to include active service in the armed forces as defined in this title.

In subsection (c) the words “is entitled to retired pay at the rate of 75 percent of the highest basic pay of the grade in which retired” are substituted for the words “with three-fourths of the highest pay of his grade” for clarity and uniformity of expression.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6322 of this title as this section.

1986—Subsec. (c). Pub. L. 99-348 struck out subsec. (c) which provided that each officer retired under this section be entitled to retired pay, in the case of an officer who first became a member of a uniformed service, as defined in section 1407(a)(2), before Sept. 8, 1980, at the rate of 75 percent of the highest basic pay of the grade in which retired, and in the case of an officer who first became a member of a uniformed service, as defined in section 1407(a)(2), on or after Sept. 8, 1980, at the rate of 75 percent of the monthly retired pay base computed under section 1407(d).

1980—Subsec. (c). Pub. L. 96-513 substituted “September 8, 1980” for “the date of the enactment of the Department of Defense Authorization Act, 1981” wherever appearing.

Pub. L. 96-342 designated existing provisions as par. (1), inserted provision limiting applicability to officers who became members of the uniformed services before the date of the enactment of the Department of Defense Authorization Act, 1981, and added par. (2).

**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 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

**§ 8323. Officers: 20 years**

(a)(1) An officer of the Navy or the Marine Corps who applies for retirement after completing more than 20 years of active service, of which at least 10 years was service as a commissioned officer, may, in the discretion of the President, be retired on the first day of any month designated by the President.

(2)(A) The Secretary of Defense may authorize the Secretary of the Navy, during the period specified in subparagraph (B), to reduce the requirement under paragraph (1) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary) of not less than eight years.

(B) The period specified in this subparagraph is the period beginning on January 7, 2011, and ending on September 30, 2018.

(b) For the purposes of this section—

(1) an officer’s years of active service are computed by adding all his active service in the armed forces; and

(2) his years of service as a commissioned officer are computed by adding all his active service in the armed forces under permanent or temporary appointments in grades above warrant officer, W-1.

(c) The retired grade of an officer retired under this section is the grade determined under section 1370 or 1370a of this title, as applicable.