

## AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8920 of this title as this section.

1996—Pub. L. 104-106 substituted “permanent professors and the Director of Admissions” for “professors” in section catchline and amended text generally. Prior to amendment, text read as follows: “The Secretary of the Air Force may retire any permanent professor of the United States Air Force 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.

**§ 9321. Mandatory retirement: Superintendent of the United States Air Force Academy; waiver authority**

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

(Added Pub. L. 106-65, div. A, title V, §532(a)(3)(A), Oct. 5, 1999, 113 Stat. 603, §8921; amended Pub. L. 108-375, div. A, title V, §541(a)(3), (c)(3)(A), Oct. 28, 2004, 118 Stat. 1902, 1904; renumbered §9321, Pub. L. 115-232, div. A, title VIII, §806(b)(13), Aug. 13, 2018, 132 Stat. 1833; Pub. L. 117-263, div. A, title V, §509(c), Dec. 23, 2022, 136 Stat. 2560.)

**Editorial Notes**

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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 8921 of this title as this section.

2004—Pub. L. 108-375 inserted “; waiver authority” after “Academy” in 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

Section not applicable to an officer serving on Oct. 5, 1999, in the position of Superintendent of the United States Military Academy, Naval Academy, or 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, see section 532(a)(5) of Pub. L. 106-65, set out as a note under section 3921 of this title.

**§ 9324. Forty years or more: Air Force officers and Space Force officers**

(a) Except as provided in section 1186 of this title, a commissioned officer of the Air Force or the Space Force who has at least 40 years of service computed under section 9326 of this title shall be retired upon his request.

(b) Any warrant officer of the Air Force or the Space Force who has at least 40 years of service computed under section 9326(a) of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 552, §8924; Pub. L. 96-513, title V, §504(18), Dec. 12, 1980, 94 Stat. 2917; renumbered §9324 and amended Pub. L. 115-232, div. A, title VIII, §§806(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1833, 1840; Pub. L. 116-283, div. A, title IX, §923(c)(17)(A), (B), Jan. 1, 2021, 134 Stat. 3812.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8924(a) .....	10:942 (as applicable to commissioned officers).	June 30, 1882, ch. 254 (last 21 words of 3d proviso under “Pay Department”), 22 Stat. 118.
8924(b) .....	10:942 (less applicability to commissioned officers).	

In subsection (a), the words “Except as provided in section 8786 of this title” are inserted, since, under that revised section, when board proceedings are pending against a commissioned officer, his right to retire under this revised section, which is otherwise absolute, is discretionary with the Secretary under that revised section.

In subsections (a) and (b), the words “or volunteer service, or both” are omitted as obsolete in accordance with an opinion of the Attorney General, 22 Ops. Atty. Gen. 199, Aug. 30, 1898, holding that such words refer to volunteer service in the Civil War. The words “upon his request” are substituted for the words “if he make application therefor to the President”.

In subsection (b), the applicability of 10:942 to warrant officers is based on an opinion of the Judge Advocate General of the Army (JAGA 1950/6951, 4 Jan. 1951), which holds that 10:594 (less provisos) makes 10:942 applicable to warrant officers.

**Editorial Notes**

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2021—Pub. L. 116-283 substituted “Forty years or more: Air Force officers and Space Force officers” for “Forty years or more: Air Force officers” in section catchline and inserted “or the Space Force” after “Air Force” in subsecs. (a) and (b).