II, § 203, Dec. 20, 1993, 107 Stat. 2420; Pub. L. 103–337, div. A, title XVI, § 1677(b)(5), Oct. 5, 1994, 108 Stat. 3020; Pub. L. 104–106, div. A, title XV, § 1501(e)(1)(B), Feb. 10, 1996, 110 Stat. 501.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 787a of this title prior to the complete revision of this chapter by Pub. L. 96–322.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–106 substituted ''section 12646 of title 10'' for ''section 1006 of title 10''.

1994—Subsec. (b). Pub. L. 103–337, which directed amendment of subsec. (b) by substituting ''section 12646 of title 10'' for ''section 1006 of title 10'', could not be executed because the words ''section 1006 of title 10'' did not appear in subsec. (b).

1993—Pub. L. 103–206 in subsec. (a) in first sentence substituted '', except those officers who—'' and pars. (1) to (4) for ''and are not on active duty and not on an approved list of selectees for promotion to the next higher grade'', realigned margin of second sentence, inserted ''(b)'' before ''This board shall—'' in third sentence and realigned margin, and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1989—Subsec. (a). Pub. L. 101–225 inserted ''who have 18 years or more of service for retirement and are'' before ''not on active duty''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104–106, set out as a note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

§ 742. Maximum ages for retention in an active status

(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes 60 years of age unless on active duty. If not qualified for retirement, a Reserve officer shall be discharged effective upon the day the officer becomes 60 years of age unless on active duty.

(b) A Reserve officer on active duty shall, if qualified, be retired effective upon the day the officer become 62 years of age. If not qualified for retirement, a Reserve officer on active duty shall be discharged effective upon the day the officer becomes 62 years of age.

(c) Notwithstanding subsection[1] (a) and (b), the Secretary may authorize the retention of a Reserve rear admiral or rear admiral (lower half) in an active status not longer than the day on which the officer concerned becomes 64 years of age.

(d) For purposes of this section, ''active duty'' does not include active duty for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.

(Added Pub. L. 96–322, § 1, Aug. 4, 1980, 94 Stat. 1014; amended Pub. L. 97–417, § 2(16), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 99–145, title V, § 514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 108–293, title II, § 209, Aug. 9, 2004, 118 Stat. 1035.)

[1] So in original. Probably should be ''subsections''.

AMENDMENTS

2004—Pub. L. 108–293 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows:

''(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes sixty-two years of age.

''(b) Notwithstanding subsection (a) of this section, the Secretary may authorize the retention of a Reserve rear admiral or rear admiral (lower half) in an active status not longer than the day on which the officer concerned becomes sixty-four years of age.

''(c) Except as provided for in subsections (a) and (b) of this section, a Reserve officer shall be discharged effective upon the day the officer becomes sixty-two years of age.''

1985—Subsec. (b). Pub. L. 99–145 substituted ''rear admiral (lower half)'' for ''commodore''.

1983—Subsec. (b). Pub. L. 97–417 inserted ''or commodore'' after ''rear admiral''.

§ 743. Rear admiral and rear admiral (lower half); maximum service in grade

(a) Unless retained in or removed from an active status under any other law, a reserve rear admiral or rear admiral (lower half) shall be retired on July 1 of the promotion year immediately following the promotion year in which that officer completes 4 years of service after the appointment of the officer to rear admiral (lower half).

(b) Notwithstanding any other provision of law, if promotion of inactive duty promotion list officers to the grade of rear admiral is not determined in accordance with a running mate system, a Reserve officer serving in an active status in the grade of rear admiral (lower half) shall be promoted to the grade of rear admiral, if acceptable to the President and the Senate, on the date the officer has served 2 years in an active status in grade of rear admiral (lower half), or in the case of a vacancy occurring prior to having served 2 years in an active status, on the date the vacancy occurs, if the officer served at least 1 year in an active status in the grade of rear admiral (lower half).

(Added Pub. L. 96–322, § 1, Aug. 4, 1980, 94 Stat. 1015; amended Pub. L. 97–417, § 2(17)(A), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 99–145, title V, § 514(c)(1), (3)(A), Nov. 8, 1985, 99 Stat. 629; Pub. L. 108–293, title II, § 220(d), Aug. 9, 2004, 118 Stat. 1039.)

AMENDMENTS

2004—Pub. L. 108–293 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ''Unless retained in or removed from an active status under any other law, a Reserve rear admiral or rear admiral (lower half) shall be removed from an active status on the day that officer completes four years combined service in the grades of rear admiral and rear admiral (lower half).''

1985—Pub. L. 99–145 substituted references to ''rear admiral (lower half)'' for ''commodore'' in section catchline and two places in text.

1983—Pub. L. 97–417 inserted reference to ''commodore'' in section catchline and text.

§ 744. Appointment of a former Navy or Coast Guard officer

A former officer of the Regular Navy or Coast Guard who applies for a Reserve commission