

Department of Defense during and after fiscal year 1996 were to be obligated for pay of any individual who was initially employed after Dec. 1, 1995, as technician in administration and training of Army Reserve and maintenance and repair of supplies issued to Army Reserve unless such individual was also military member of Army Reserve troop program unit that he or she was employed to support, prior to repeal by Pub. L. 105-85, div. A, title V, § 522(e), Nov. 18, 1997, 111 Stat. 1735.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 103-335, title VIII, § 8015, Sept. 30, 1994, 108 Stat. 2620.

Pub. L. 103-139, title VIII, § 8016, Nov. 11, 1993, 107 Stat. 1440.

Pub. L. 102-396, title IX, § 9019, Oct. 6, 1992, 106 Stat. 1904.

Pub. L. 102-172, title VIII, § 8018, Nov. 26, 1991, 105 Stat. 1175.

Pub. L. 101-511, title VIII, § 8018, Nov. 5, 1990, 104 Stat. 1878.

Pub. L. 101-165, title IX, § 9027, Nov. 21, 1989, 103 Stat. 1135.

Pub. L. 100-463, title VIII, § 8045, Oct. 1, 1988, 102 Stat. 2270-25.

Pub. L. 100-202, § 101(b) [title VIII, § 8055], Dec. 22, 1987, 101 Stat. 1329-43, 1329-72.

Pub. L. 99-500, § 101(c) [title IX, § 9054], Oct. 18, 1986, 100 Stat. 1783-82, 1783-111, and Pub. L. 99-591, § 101(c) [title IX, § 9054], Oct. 30, 1986, 100 Stat. 3341-82, 3341-111.

Pub. L. 99-190, § 101(b) [title VIII, § 8059], Dec. 19, 1985, 99 Stat. 1185, 1212.

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8076], Oct. 12, 1984, 98 Stat. 1904, 1938.

Pub. L. 98-212, title VII, § 783, Dec. 8, 1983, 97 Stat. 1453.

RETENTION IN ACTIVE STATUS OF NATIONAL GUARD OR RESERVE TECHNICIANS UNTIL AGE SIXTY

Pub. L. 104-61, title VIII, § 8017, Dec. 1, 1995, 109 Stat. 655, provided that: "Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 103-335, title VIII, § 8016, Sept. 30, 1994, 108 Stat. 2620.

Pub. L. 103-139, title VIII, § 8018, Nov. 11, 1993, 107 Stat. 1441.

Pub. L. 102-396, title IX, § 9022, Oct. 6, 1992, 106 Stat. 1905.

Pub. L. 102-172, title VIII, § 8022, Nov. 26, 1991, 105 Stat. 1176.

Pub. L. 101-511, title VIII, § 8022, Nov. 5, 1990, 104 Stat. 1879.

Pub. L. 101-165, title IX, § 9032, Nov. 21, 1989, 103 Stat. 1136.

Pub. L. 100-463, title VIII, § 8052, Oct. 1, 1988, 102 Stat. 2270-26.

Pub. L. 100-202, § 101(b) [title VIII, § 8064], Dec. 22, 1987, 101 Stat. 1329-43, 1329-73.

Pub. L. 99-500, § 101(c) [title IX, § 9063], Oct. 18, 1986, 100 Stat. 1783-82, 1783-112, and Pub. L. 99-591, § 101(c) [title IX, § 9063], Oct. 30, 1986, 100 Stat. 3341-82, 3341-112.

Pub. L. 99-190, § 101(b) [title VIII, § 8073], Dec. 19, 1985, 99 Stat. 1185, 1214.

Pub. L. 98-473, title I, § 101(h) [title VIII, § 8106], Oct. 12, 1984, 98 Stat. 1904, 1943.

§ 10102. Purpose of reserve components

The purpose of each reserve component is to provide trained units and qualified persons

available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever more units and persons are needed than are in the regular components.

(Added Pub. L. 103-337, div. A, title XVI, § 1661(a)(1), Oct. 5, 1994, 108 Stat. 2970; amended Pub. L. 108-375, div. A, title V, § 511, Oct. 28, 2004, 118 Stat. 1877.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 262 of this title, prior to repeal by Pub. L. 103-337, § 1661(a)(2)(A).

AMENDMENTS

2004—Pub. L. 108-375 struck out “, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization,” after “whenever”.

§ 10103. Basic policy for order into Federal service

Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

(Added Pub. L. 103-337, div. A, title XVI, § 1661(a)(1), Oct. 5, 1994, 108 Stat. 2970; amended Pub. L. 104-106, div. A, title XV, § 1501(b)(2)(A), Feb. 10, 1996, 110 Stat. 495.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 263 of this title, prior to repeal by Pub. L. 103-337, § 1661(a)(2)(A).

AMENDMENTS

1996—Pub. L. 104-106 substituted “into Federal service” for “of the National Guard and reserve components to active duty” in section catchline.

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 this title.

ORDERING READY RESERVE TO ACTIVE DUTY DURING NATIONAL EMERGENCIES

For additional provisions authorizing ordering of Ready Reserve to active duty during national emergencies, see section 12303 of this title and notes thereunder.

§ 10104. Army Reserve: composition

The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

(Added Pub. L. 103-337, div. A, title XVI, § 1661(a)(1), Oct. 5, 1994, 108 Stat. 2970.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3076 of this title, prior to repeal by Pub. L. 103-337, § 1661(a)(3)(A).

§ 10105. Army National Guard of the United States: composition

The Army National Guard of the United States is the reserve component of the Army that consists of—

- (1) federally recognized units and organizations of the Army National Guard; and
- (2) members of the Army National Guard who are also Reserves of the Army.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2970.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3077 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(3)(A).

ACTIVE COMPONENT SUPPORT FOR RESERVE TRAINING

Pub. L. 103-160, div. A, title V, §515, Nov. 30, 1993, 107 Stat. 1650, provided that:

“(a) **REQUIREMENT TO ESTABLISH.**—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active-component units of the Army with the primary mission of providing training support to reserve units. Each such unit shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

“(b) **IMPLEMENTATION PLAN.**—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory changes that the Secretary considers to be necessary for the implementation of the plan.”

TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION

Pub. L. 103-160, div. A, title V, §516, Nov. 30, 1993, 107 Stat. 1650, directed Secretary of the Army to prepare a plan for carrying out a test program to determine feasibility and advisability of applying the roundout and roundup models for integration of active and reserve component Army units at the battalion and company levels and submit to Congress not later than Mar. 31, 1994, a report that includes the plan for the test program.

ARMY NATIONAL GUARD COMBAT READINESS REFORM

Pub. L. 102-484, div. A, title XI, Oct. 23, 1992, 106 Stat. 2536, as amended by Pub. L. 103-35, title II, §202(a)(11), May 31, 1993, 107 Stat. 101; Pub. L. 103-160, div. A, title V, §520, Nov. 30, 1993, 107 Stat. 1651; Pub. L. 103-337, div. A, title V, §516, Oct. 5, 1994, 108 Stat. 2754; Pub. L. 104-106, div. A, title V, §§514, 515, title VII, §704(b), Feb. 10, 1996, 110 Stat. 307, 308, 372, provided that:

“SEC. 1101. **SHORT TITLE.**

“This title may be cited as the ‘Army National Guard Combat Readiness Reform Act of 1992’.

“Subtitle A—Deployability Enhancements

“SEC. 1111. **PRIOR ACTIVE-DUTY PERSONNEL.**

“(a) **ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.**—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

“(b) **ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.**—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members

in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139) [107 Stat. 1441]. The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section.

“(c) **QUALIFIED PRIOR ACTIVE-DUTY PERSONNEL.**—For purposes of this section, qualified prior active-duty personnel are members of the Army National Guard with not less than two years of active duty.

“SEC. 1112. **SERVICE IN SELECTED RESERVE IN LIEU OF ACTIVE-DUTY SERVICE.**

“(a) **ACADEMY GRADUATES AND DISTINGUISHED ROTC GRADUATES TO SERVE IN SELECTED RESERVE FOR PERIOD OF ACTIVE-DUTY SERVICE OBLIGATION NOT SERVED ON ACTIVE DUTY.**—(1) An officer who is a graduate of one of the service academies or who was commissioned as a distinguished Reserve Officers’ Training Corps graduate and who is permitted to be released from active duty before the completion of the active-duty service obligation applicable to that officer shall serve the remaining period of such active-duty service obligation as a member of the Selected Reserve.

“(2) The Secretary concerned may waive paragraph (1) in a case in which the Secretary determines that there is no unit position available for the officer.

“(b) **ROTC GRADUATES.**—The Secretary of the Army shall provide a program under which graduates of the Reserve Officers’ Training Corps program may perform their minimum period of obligated service by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation, to be served in the Selected Reserve.

“SEC. 1113. **REVIEW OF OFFICER PROMOTIONS BY COMMANDER OF ASSOCIATED ACTIVE DUTY UNIT.**

“(a) **REVIEW.**—Whenever an officer in an Army Selected Reserve unit as defined in subsection (b) is recommended for a unit vacancy promotion to a grade above first lieutenant, the recommended promotion shall be reviewed by the commander of the active duty unit associated with the Selected Reserve unit of that officer or another active-duty officer designated by the Secretary of the Army. The commander or other active-duty officer designated by the Secretary of the Army shall provide to the promoting authority, through the promotion board convened by the promotion authority to consider unit vacancy promotion candidates, before the promotion is made, a recommendation of concurrence or nonconcurrence in the promotion. The recommendation shall be provided to the promoting authority within 60 days after receipt of notice of the recommended promotion.

“(b) **COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.**—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

“(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 [Feb. 10, 1996], at the end of the 90-day period beginning on such date of enactment.

“(c) **REPORT ON FEASIBILITY.**—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, not later than March 1, 1993, containing a plan for implementation of subsection (a). The Secretary may include with the report such proposals for legislation to clarify, improve, or modify the provisions of subsection (a) in order to better carry out the purposes of those provisions as the Secretary considers appropriate.

“SEC. 1114. **NONCOMMISSIONED OFFICER EDUCATION REQUIREMENTS.**

“(a) **NONWAIVABILITY.**—Any standard prescribed by the Secretary of the Army establishing a military edu-