

(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

(1) transferred to the Standby Reserve;

(2) discharged; or

(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2974; amended Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 271 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EX. ORD. NO. 11190. SCREENING OF READY RESERVE

Ex. Ord. No. 11190, Dec. 29, 1964, 29 F.R. 19183, as amended by Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247; Ex. Ord. No. 13286, §67, Feb. 28, 2003, 68 F.R. 10630, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is delegated to the Secretary of Defense (and to the Secretary of Homeland Security with regard to the United States Coast Guard) the authority vested in the President by section 271 [see 10149] of title 10 of the United States Code to prescribe regulations for the screening of units and members of the Ready Reserve of the Armed Forces.

SEC. 2. Executive Order No. 10651 of January 6, 1956, is revoked.

§ 10150. Ready Reserve: transfer back from Standby Reserve

Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2975; amended Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 272 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

AMENDMENTS

2002—Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

§ 10151. Standby Reserve: composition

The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2975.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 273(a) of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

§ 10152. Standby Reserve: inactive status list

An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2975.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 273(b) of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

§ 10153. Standby Reserve: status of members

While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2975.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 273(c) of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

§ 10154. Retired Reserve

The Retired Reserve consists of the following Reserves:

(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

(2) Reserves who have been transferred to the Retired Reserve, retain their status as Reserves, and are otherwise qualified.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2975; amended Pub. L. 107-107, div. A, title V, §517(a), Dec. 28, 2001, 115 Stat. 1094.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 274 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

AMENDMENTS

2001—Par. (2). Pub. L. 107-107 struck out “upon their request” after “Retired Reserve”.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, §517(g), Dec. 28, 2001, 115 Stat. 1096, provided that: “The amendments made by this section [enacting sections 12108 and 12244 of this title and amending this section and sections 14513 to 14515 of this title] shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act [Dec. 28, 2001].”

AUTHORITY TO ISSUE MILITARY IDENTIFICATION CARDS TO SO-CALLED HONORARY RETIREES OF THE NAVAL AND MARINE CORPS RESERVES

Pub. L. 103-337, div. A, title III, §377, Oct. 5, 1994, 108 Stat. 2737, as amended by Pub. L. 104-106, div. A, title XV, §1501(d)(1), Feb. 10, 1996, 110 Stat. 500; Pub. L. 105-85, div. A, title X, §1073(d)(1)(E)(i), Nov. 18, 1997, 111 Stat. 1905; Pub. L. 109-163, div. A, title V, §515(h), Jan. 6, 2006, 119 Stat. 3237, provided that:

“(a) AUTHORITY.—The Secretary of the Navy may issue a military identification card to a member of the Retired Reserve described in subsection (b).

“(b) COVERED MEMBERS.—A member of the Retired Reserve referred to in subsection (a) is a member of the Navy Reserve or Marine Corps Reserve who transferred to the Retired Reserve under section 274(2) [see 10154(2)] of title 10, United States Code, without having completed the years of service required under section 1331(a)(2) [see 12731(a)(2)] of such title for eligibility for retired pay under chapter 67 [see 1223] of such title or who after November 30, 1994, transferred to the Retired Reserve under section 10154(2) of title 10, United States Code, without having completed the years of service required under section 12731(a)(2) of such title for eligibility for retired pay under chapter 1223 of such title.

“(c) EFFECT ON COMMISSARY AND EXCHANGE BENEFITS.—The issuance of a military identification card under subsection (a) to a member of the Retired Reserve does not confer eligibility for commissary and exchange benefits on that member.

“(d) LIMITATION ON COLOR AND FORMAT.—The Secretary shall ensure that the color and format in which a military identification card is issued under subsection (a) is not similar to the color and format in which a military identification card is issued by the Department of Defense to individuals other than members described in subsection (b).”

CHAPTER 1006—RESERVE COMPONENT COMMANDS

Sec.	
10171.	United States Army Reserve Command.
10172.	Navy Reserve Force.
10173.	Marine Forces Reserve.
10174.	Air Force Reserve Command.

AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, §515(b)(4)(F), Jan. 6, 2006, 119 Stat. 3235, substituted “Navy Reserve” for “Naval Reserve” in item 10172.

§ 10171. United States Army Reserve Command

(a) COMMAND.—The United States Army Reserve Command is a separate command of the Army commanded by the Chief of Army Reserve.

(b) CHAIN OF COMMAND.—Except as otherwise prescribed by the Secretary of Defense, the Secretary of the Army shall prescribe the chain of command for the United States Army Reserve Command.

(c) ASSIGNMENT OF FORCES.—The Secretary of the Army—

(1) shall assign to the United States Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Army specified in section 3013 of this title, shall assign all such forces of the Army Reserve to the commander of the United States Atlantic Command.

(Added Pub. L. 104-201, div. A, title XII, §1211(a)(1), Sept. 23, 1996, 110 Stat. 2689.)

IMPLEMENTATION SCHEDULE FOR RESERVE COMPONENT COMMANDS

Pub. L. 104-201, div. A, title XII, §1211(c), Sept. 23, 1996, 110 Stat. 2691, provided that: “Implementation of chapter 1006 of title 10, United States Code, as added by subsection (a), shall begin not later than 90 days after the date of the enactment of this Act [Sept. 23, 1996] and shall be completed not later than one year after such date.”

§ 10172. Navy Reserve Force

(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Navy, with the advice and assistance of the Chief of Naval Operations, shall establish a Navy Reserve Force. The Navy Reserve Force shall be operated as a separate command of the Navy.

(b) COMMANDER.—The Chief of Navy Reserve shall be the commander of the Navy Reserve Force. The commander of the Navy Reserve Force reports directly to the Chief of Naval Operations.

(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy—

(1) shall assign to the Navy Reserve Force specified portions of the Navy Reserve other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Navy specified in section 5013 of this title, shall assign to the combatant commands all such forces assigned to the Navy Reserve Force under paragraph (1) in the manner specified by the Secretary of Defense.

(Added Pub. L. 104-201, div. A, title XII, §1211(a)(1), Sept. 23, 1996, 110 Stat. 2689; amended Pub. L. 109-163, div. A, title V, §515(b)(1)(BB), (3)(G), Jan. 6, 2006, 119 Stat. 3233, 3234.)

AMENDMENTS

2006—Pub. L. 109-163, §515(b)(3)(G), substituted “Navy Reserve” for “Naval Reserve” in section catchline.