

section 517(g) of Pub. L. 107–107, set out as an Effective Date of 2001 Amendment note under section 10154 of this title.

#### CHAPTER 1209—ACTIVE DUTY

Sec.	
12301.	Reserve components generally.
12302.	Ready Reserve.
12303.	Ready Reserve: members not assigned to, or participating satisfactorily in, units.
12304.	Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency.
12304a.	Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.
12304b.	Selected Reserve: order to active duty for preplanned missions in support of the combatant commands.
12305.	Authority of President to suspend certain laws relating to promotion, retirement, and separation.
12306.	Standby Reserve.
12307.	Retired Reserve.
12308.	Retention after becoming qualified for retired pay.
12309.	Reserve officers: use of in expansion of armed forces.
12310.	Reserves: for organizing, administering, etc., reserve components.
12311.	Active duty agreements.
12312.	Active duty agreements: release from duty.
12313.	Reserves: release from active duty.
12314.	Reserves: kinds of duty.
12315.	Reserves: duty with or without pay.
12316.	Payment of certain Reserves while on duty.
12317.	Reserves: theological students; limitations.
12318.	Reserves on active duty: duties; funding.
12319.	Ready Reserve: muster duty.
12320.	Reserve officers: grade in which ordered to active duty.
12321.	Reserve Officer Training Corps units: limitation on number of Reserves assigned.
12322.	Active duty for health care.
12323.	Active duty pending line of duty determination required for response to sexual assault.

#### AMENDMENTS

2013—Pub. L. 112–239, div. A, title V, § 571(b), Jan. 2, 2013, 126 Stat. 1753, added item 12323.

2011—Pub. L. 112–81, div. A, title V, §§ 515(a)(2), 516(a)(2), Dec. 31, 2011, 125 Stat. 1394, 1397, added items 12304a and 12304b.

1999—Pub. L. 106–65, div. A, title VII, § 705(a)(2), Oct. 5, 1999, 113 Stat. 683, added item 12322.

1997—Pub. L. 105–85, div. A, title V, § 511(e)(2), Nov. 18, 1997, 111 Stat. 1729, inserted “and certain Individual Ready Reserve members” after “Selected Reserve” in item 12304.

1996—Pub. L. 104–106, div. A, title XV, § 1501(b)(16), Feb. 10, 1996, 110 Stat. 496, substituted a semicolon for a colon in item 12304 and struck out “on active duty” after “Retention” in item 12308.

#### § 12301. Reserve components generally

(a) In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty for the duration of the war or emergency and for six months thereafter. However a member on an

inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available.

(b) At any time, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, in an active status in a reserve component under the jurisdiction of that Secretary to active duty for not more than 15 days a year. However, units and members of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor of the State (or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard).

(c) So far as practicable, during any expansion of the active armed forces that requires that units and members of the reserve components be ordered to active duty as provided in subsection (a), members of units organized and trained to serve as units who are ordered to that duty without their consent shall be so ordered with their units. However, members of those units may be reassigned after being so ordered to active duty.

(d) At any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty, or retain him on active duty, with the consent of that member. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.

(e) The period of time allowed between the date when a Reserve ordered to active duty as provided in subsection (a) is alerted for that duty and the date when the Reserve is required to enter upon that duty shall be determined by the Secretary concerned based upon military requirements at that time.

(f) The consent of a Governor described in subsections (b) and (d) may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty.

(g)(1) A member of a reserve component may be ordered to active duty without his consent if the Secretary concerned determines that the member is in a captive status. A member ordered to active duty under this section may not be retained on active duty, without his consent, for more than 30 days after his captive status is terminated.

(2) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly among the armed