

paragraph (2)” for “who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State,” and added par. (2).

Subsec. (a)(1). Pub. L. 109-364, § 503(d)(1), substituted “66” for “64”.

Subsec. (b). Pub. L. 109-364, § 503(d)(1), substituted “66” for “64”.

Pub. L. 109-163, § 515(b)(1)(UU), substituted “Navy Reserve” for “Naval Reserve”.

**§ 14513. Failure of selection for promotion: transfer, retirement, or discharge**

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer’s separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer’s armed force;

(2) be transferred to the Retired Reserve if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer’s reserve appointment.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 107-107, div. A, title V, § 517(b)(1), (2)(A), Dec. 28, 2001, 115 Stat. 1094.)

AMENDMENTS

2001—Pub. L. 107-107, § 517(b)(2)(A), substituted “Failure of selection for promotion: transfer, retirement, or discharge” for “Separation for failure of selection of promotion” in section catchline.

Par. (2). Pub. L. 107-107, § 517(b)(1), substituted “if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve” for “, if the officer is qualified and applies for such transfer”.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as a note under section 10154 of this title.

**§ 14514. Discharge or retirement for years of service or after selection for early removal**

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer’s separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

(1) be transferred to the Retired Reserve if the officer is qualified for such transfer and

does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(2) be discharged from the officer’s reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 107-107, div. A, title V, § 517(c), Dec. 28, 2001, 115 Stat. 1094.)

AMENDMENTS

2001—Par. (1). Pub. L. 107-107, § 517(c)(1), substituted “if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve” for “, if the officer is qualified and applies for such transfer”.

Par. (2). Pub. L. 107-107, § 517(c)(2), added par. (2) and struck out former par. (2) which read as follows: “if the officer is not qualified or does not apply for such transfer, be discharged from the officer’s reserve appointment.”

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as a note under section 10154 of this title.

**§ 14515. Discharge or retirement for age**

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive-status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer’s grade or position shall (unless the officer is sooner separated or the officer’s separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

(1) be transferred to the Retired Reserve if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(2) be discharged from the officer’s reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2954; amended Pub. L. 104-106, div. A, title XV, § 1501(b)(31), Feb. 10, 1996, 110 Stat. 498; Pub. L. 107-107, div. A, title V, § 517(d), Dec. 28, 2001, 115 Stat. 1095.)

AMENDMENTS

2001—Par. (1). Pub. L. 107-107, § 517(d)(1), substituted “if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve” for “, if the officer is qualified and applies for such transfer”.

Par. (2). Pub. L. 107-107, § 517(d)(2), added par. (2) and struck out former par. (2) which read as follows: “if the