

(6) An officer who is selected for continuation on the reserve active-status list under regulations prescribed under paragraph (1) but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2954; amended Pub. L. 106-398, §1 [[div. A], title V, §522], Oct. 30, 2000, 114 Stat. 1654, 1654A-108; Pub. L. 108-136, div. A, title V, §511(a), Nov. 24, 2003, 117 Stat. 1459.)

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108-136, §511(a)(1)(A), substituted “under regulations prescribed by the Secretary of Defense” for “by a selection board convened under section 14101(b) of this title”.

Subsec. (a)(6). Pub. L. 108-136, §511(a)(1)(B), substituted “under regulations prescribed under paragraph (1)” for “as a result of the convening of a selection board under section 14101(b) of this title”.

Subsecs. (b) to (d). Pub. L. 108-136, §511(a)(2), (3), re-designated subsec. (d) as (b) and struck out former subsecs. (b) and (c) which read as follows:

“(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

“(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.”

2000—Subsec. (a)(1). Pub. L. 106-398 substituted “A reserve officer” for “Upon application, a reserve officer”.

EFFECTIVE DATE

Chapter effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general

(a) RETENTION.—Notwithstanding the provisions of section 14506, 14507, or 14508 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, colonel, or brigadier general who is—

(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

(b) SEPARATION FOR AGE.—An officer may be retained under this section only so long as the officer continues to meet the conditions of paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2955; amended Pub. L. 105-85, div. A, title V, §521(a), Nov. 18, 1997, 111 Stat. 1734; Pub. L. 110-417, [div. A], title V, §514(b), (c)(1), Oct. 14, 2008, 122 Stat. 4441.)

AMENDMENTS

2008—Pub. L. 110-417, §514(c)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Retention on reserve active-status list of certain officers until age 60”.

Subsec. (b). Pub. L. 110-417, §514(b), in heading, substituted “for Age” for “at Age 60” and, in text, substituted “paragraph (1) or (2) of subsection (a)” for “subsection (a)(1) or (a)(2)” and “An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.” for “An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.”

1997—Subsec. (a). Pub. L. 105-85, in introductory provisions, substituted “section 14506, 14507, or 14508” for “section 14506 or 14507” and “colonel, or brigadier general” for “or colonel”.

§ 14703. Authority to retain chaplains and officers in medical specialties until specified age

(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status