

tional Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2974.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 270(b), (c) of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

Pub. L. 103-337, div. A, title XVI, §1661(a)(5)(B), Oct. 5, 1994, 108 Stat. 2980, provided that: "Section 10148(b) [10 U.S.C. 10148(b)], as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961."

§ 10149. Ready Reserve: continuous screening

(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

- (1) That there will be no significant attrition of those members or units during a mobilization.
- (2) That there is a proper balance of military skills.
- (3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.
- (4) That with due regard to national security and military requirements, recognition will be given to participation in combat.
- (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)(1) In applying Ready Reserve continuous screening under this section, an individual who is both a member of the Ready Reserve and a Member of Congress may not be transferred to the Standby Reserve or discharged on account of the individual's position as a Member of Congress.

(2) The transfer or discharge of an individual who is both a member of the Ready Reserve and a Member of Congress may be ordered—

(A) only by the Secretary of Defense or, in the case of a Member of Congress who also is a member of the Coast Guard Reserve, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Navy; and

(B) only on the basis of the needs of the service, taking into consideration the position and duties of the individual in the Ready Reserve.

(3) In this subsection, the term "Member of Congress" includes a Delegate or Resident Commissioner to Congress and a Member-elect.

(c) 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; Pub. L. 114-92, div. A, title V, §511, Nov. 25, 2015, 129 Stat. 808.)

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

2015—Subsecs. (b), (c). Pub. L. 114-92 added subsec. (b) and redesignated former subsec. (b) as (c).

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.

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 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.