

transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920, 920a, or 920c of this title (article 120, 120a, or 120c of the Uniform Code of Military Justice) so as to reduce the possibility of retaliation against the member for reporting the sexual assault or other offense.

(b) REGULATIONS.—The Secretary concerned shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense. These guidelines shall provide that the application submitted by a member described in subsection (a) for a change of station or unit transfer must be approved or disapproved by the member's commanding officer within 72 hours of the submission of the application. Additionally, if the application is disapproved by the commanding officer, the member shall be given the opportunity to request review by the first general officer or flag officer in the chain of command of the member, and that decision must be made within 72 hours of submission of the request for review.

(Added Pub. L. 112–81, div. A, title V, §582(a), Dec. 31, 2011, 125 Stat. 1432; amended Pub. L. 113–66, div. A, title X, §1091(a)(8), title XVII, §1712, Dec. 26, 2013, 127 Stat. 876, 963; Pub. L. 115–91, div. A, title X, §1081(c)(2)(A), Dec. 12, 2017, 131 Stat. 1599.)

AMENDMENT OF SUBSECTION (a)

Pub. L. 115–91, div. A, title X, §1081(c)(2)(A), (4), Dec. 12, 2017, 131 Stat. 1599, provided that, effective immediately after the amendments made by div. E (§§ 5001–5542) of Pub. L. 114–328 (see Tables for classification) take effect as provided for in section 5542 of that Act (10 U.S.C. 801 note), subsection (a) of this section is amended—

(1) by striking “920a, or 920c” and inserting “920c, or 930”; and

(2) by striking “120a, or 120c” and inserting “120c, or 130”.

See 2017 Amendment note below.

PRIOR PROVISIONS

A prior section 673 was renumbered section 12302 of this title.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115–91 substituted “920c, or 930” for “920a, or 920c” and “120c, or 130” for “120a, or 120c”.

2013—Subsec. (a). Pub. L. 113–66, §1091(a)(8), inserted “of the Uniform Code of Military Justice” after “120c”.

Subsec. (b). Pub. L. 113–66, §1712, substituted “The Secretary concerned” for “The Secretaries of the military departments”.

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115–91 effective immediately after the amendments made by div. E (§§5001–5542) of Pub. L. 114–328 take effect as provided for in section 5542 of that Act (10 U.S.C. 801 note), see section 1081(c)(4) of Pub. L. 115–91, set out as a note under section 801 of this title.

[§ 673a. Renumbered § 12303]

[§ 673b. Renumbered § 12304]

[§ 673c. Renumbered § 12305]

§ 674. Temporary administrative reassignment or removal of a member on active duty accused of committing a sexual assault or related offense

(a) GUIDANCE FOR TIMELY CONSIDERATION AND ACTION.—The Secretary concerned may provide guidance, within guidelines provided by the Secretary of Defense, for commanders regarding their authority to make a timely determination, and to take action, regarding whether a member of the armed forces serving on active duty who is alleged to have committed an offense under section 920, 920a, 920b, 920c, or 925 of this title (article 120, 120a, 120b, 120c, or 125 of the Uniform Code of Military Justice) or an attempt to commit such an offense as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice) should be temporarily reassigned or removed from a position of authority or from an assignment, not as a punitive measure, but solely for the purpose of maintaining good order and discipline within the member's unit.

(b) TIME FOR DETERMINATION.—A determination described in subsection (a) may be made at any time after receipt of notification of an unrestricted report of a sexual assault or other sex-related offense that identifies the member as an alleged perpetrator.

(Added Pub. L. 113–66, div. A, title XVII, §1713(a), Dec. 26, 2013, 127 Stat. 963; amended Pub. L. 113–291, div. A, title X, §1071(f)(8), Dec. 19, 2014, 128 Stat. 3510; Pub. L. 115–91, div. A, title X, §1081(c)(2)(B), Dec. 12, 2017, 131 Stat. 1599.)

AMENDMENT OF SUBSECTION (a)

Pub. L. 115–91, div. A, title X, §1081(c)(2)(B), (4), Dec. 12, 2017, 131 Stat. 1599, provided that, effective immediately after the amendments made by div. E (§§ 5001–5542) of Pub. L. 114–328 (see Tables for classification) take effect as provided for in section 5542 of that Act (10 U.S.C. 801 note), subsection (a) of this section is amended—

(1) by striking “920a, 920b, 920c, or 925” and inserting “920b, 920c, or 930”; and

(2) by striking “120a, 120b, 120c, or 125” and inserting “120b, 120c, or 130”.

See 2017 Amendment note below.

PRIOR PROVISIONS

A prior section 674 was renumbered section 12306 of this title.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115–91 substituted “920b, 920c, or 930” for “920a, 920b, 920c, or 925” and “120b, 120c, or 130” for “120a, 120b, 120c, or 125”.

2014—Subsec. (b). Pub. L. 113–291 substituted “after receipt” for “after receipt”.

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115–91 effective immediately after the amendments made by div. E (§§5001–5542) of Pub. L. 114–328 take effect as provided for in section 5542 of that Act (10 U.S.C. 801 note), see section

1081(c)(4) of Pub. L. 115–91, set out as a note under section 801 of this title.

[§ 675. Renumbered § 12307]

[§ 676. Renumbered § 12308]

[§ 677. Renumbered § 12309]

[§ 678. Renumbered § 12310]

[§ 679. Renumbered § 12311]

[§ 680. Renumbered § 12312]

[§ 681. Renumbered § 12313]

[§ 682. Renumbered § 12314]

[§ 683. Renumbered § 12315]

[§ 684. Renumbered § 12316]

[§ 685. Renumbered § 12317]

[§ 686. Renumbered § 12318]

PRIOR PROVISIONS

A prior section 686, acts Aug. 10, 1956, ch. 1041, 70A Stat. 32; Apr. 21, 1976, Pub. L. 94–273, §11(2), 90 Stat. 378, provided for an annual officer grade distribution report, prior to repeal by Pub. L. 96–107, title III, §303(a)(1), Nov. 9, 1979, 93 Stat. 806.

[§ 687. Renumbered § 12319]

CODIFICATION

Another section 687 was renumbered section 12321 of this title.

PRIOR PROVISIONS

A prior section 687, added Pub. L. 87–651, title I, §102(a), Sept. 7, 1962, 76 Stat. 506; amended Pub. L. 89–718, §6, Nov. 2, 1966, 80 Stat. 1115, related to readjustment payment upon involuntary release of non-regulars from active duty, prior to repeal by Pub. L. 96–513, title I, §109(a), Dec. 12, 1980, 94 Stat. 2870, effective Sept. 15, 1981.

§ 688. Retired members: authority to order to active duty; duties

(a) **AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, a member described in subsection (b) may be ordered to active duty by the Secretary of the military department concerned at any time.

(b) **COVERED MEMBERS.**—Except as provided in subsection (d), subsection (a) applies to the following members of the armed forces:

(1) A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps.

(2) A member of the Retired Reserve who was retired under section 1293, 3911, 3914, 6323, 8911, or 8914 of this title.

(3) A member of the Fleet Reserve or Fleet Marine Corps Reserve.

(c) **DUTIES OF MEMBER ORDERED TO ACTIVE DUTY.**—The Secretary concerned may, to the extent consistent with other provisions of law, assign a member ordered to active duty under this section to such duties as the Secretary considers necessary in the interests of national defense.

(d) **EXCLUSION OF OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.**—The following

officers may not be ordered to active duty under this section:

(1) An officer who retired under section 638 of this title.

(2) An officer who—

(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

(B) was retired pursuant to that request.

(e) **LIMITATION OF PERIOD OF RECALL SERVICE.**—(1) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under that subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under that subsection.

(2) Paragraph (1) does not apply to the following officers:

(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of active duty to which ordered.

(C) An officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.

(D) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.

(f) **WAIVER FOR PERIODS OF WAR OR NATIONAL EMERGENCY.**—Subsections (d) and (e) do not apply in time of war or of national emergency declared by Congress or the President.

(Added Pub. L. 104–201, div. A, title V, §521(a), Sept. 23, 1996, 110 Stat. 2515; amended Pub. L. 105–85, div. A, title V, §502, Nov. 18, 1997, 111 Stat. 1724; Pub. L. 107–107, div. A, title V, §509(a), Dec. 28, 2001, 115 Stat. 1091.)

PRIOR PROVISIONS

A prior section 688, added Pub. L. 96–513, title I, §106, Dec. 12, 1980, 94 Stat. 2868; amended Pub. L. 98–94, title X, §1017(b)(1)–(3), Sept. 24, 1983, 97 Stat. 669; Pub. L. 99–145, title V, §516, Nov. 8, 1985, 99 Stat. 630; Pub. L. 102–190, div. A, title V, §506(a), Dec. 5, 1991, 105 Stat. 1359; Pub. L. 103–160, div. A, title V, §563, Nov. 30, 1993, 107 Stat. 1669, provided that certain retired members of the armed forces could be ordered to active duty, prior to repeal by Pub. L. 104–201, div. A, title V, §521(a), (b), Sept. 23, 1996, 110 Stat. 2515, 2517, effective Sept. 30, 1997. See sections 688 to 690 of this title.

AMENDMENTS

2001—Subsec. (e)(2)(D). Pub. L. 107–107 added subpar. (D).

1997—Subsec. (e). Pub. L. 105–85 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title V, §509(c), Dec. 28, 2001, 115 Stat. 1091, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 690 of this title] shall apply with respect to officers serving on active duty as a defense attaché or service attaché on or after the date of the enactment of this Act [Dec. 28, 2001].”