

(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

(2) An officer of the Navy Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2985; amended Pub. L. 106-398, §1 [[div. A], title IV, §423], Oct. 30, 2000, 114 Stat. 1654, 1654A-96; Pub. L. 108-375, div. A, title V, §504, Oct. 28, 2004, 118 Stat. 1875; Pub. L. 109-163, div. A, title V, §515(b)(1)(FF), Jan. 6, 2006, 119 Stat. 3233.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3219, 5457(b)-(d), 5458(b)-(d), and 8219 of this title, prior to repeal by Pub. L. 103-337, §1662(a)(3).

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve” in introductory provisions.

Subsec. (d)(2). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

2004—Subsec. (c)(1). Pub. L. 108-375 amended table generally, increasing percentages of authorized number of officers in grades other than colonel.

2000—Subsec. (a)(3). Pub. L. 106-398 added par. (3).

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.

§ 12006. Strength limitations: authority to waive in time of war or national emergency

(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2986.)

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsec. (b), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, as amended. Title II of the Act is classified generally to subchapter II (§1621 et seq.) of chapter 34 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

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.

DELEGATION OF AUTHORITY

Authority of President under this section as invoked by sections 2 and 3 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, delegated to Secretary of Defense by section 4 of Ex. Ord. No. 13223, set out as a note under section 12302 of this title.

§ 12007. Reserve officers of the Army: distribution

The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

- (1) each special branch; and
- (2) all other branches taken together.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2986.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3220 of this title, prior to repeal by Pub. L. 103-337, §1662(a)(3).

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.

§ 12008. Army Reserve and Air Force Reserve: warrant officers

The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2987.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3223 and 3223 of this title, prior to repeal by Pub. L. 103-337, §1662(a)(3).

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.

§ 12009. Army and Air Force reserve components: temporary increases

(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

(b) An authorized strength so increased is in-
 composed for no other purpose. While an officer
 holds that grade, the officer whose appointment
 caused the increase is counted for the purpose of
 determining when other appointments, not
 under those sections, may be made in that
 grade.

(Added Pub. L. 103-337, div. A, title XVI,
 §1662(a)(1), Oct. 5, 1994, 108 Stat. 2987.)

PRIOR PROVISIONS

Provisions similar to those in this section were con-
 tained in sections 3212 and 8212 of this title, prior to re-
 peal by Pub. L. 103-337, §1662(a)(3).

EFFECTIVE DATE

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

**§ 12010. Computations for Navy Reserve and Ma-
 rine Corps Reserve: rule when fraction oc-
 curs in final result**

When there is a fraction in the final result of
 any computation under this chapter for the
 Navy Reserve or the Marine Corps Reserve, a
 fraction of one-half or more is counted as one,
 and a fraction of less than one-half is dis-
 regarded.

(Added Pub. L. 103-337, div. A, title XVI,
 §1662(a)(1), Oct. 5, 1994, 108 Stat. 2987; amended
 Pub. L. 109-163, div. A, title V, §515(b)(1)(GG),
 (3)(I), Jan. 6, 2006, 119 Stat. 3233, 3234.)

PRIOR PROVISIONS

Provisions similar to those in this section were con-
 tained in section 5454 of this title, prior to repeal by
 Pub. L. 103-337, §1662(a)(3).

AMENDMENTS

2006—Pub. L. 109-163, §515(b)(3)(I), substituted “Navy
 Reserve” for “Naval Reserve” in section catchline.

Pub. L. 109-163, §515(b)(1)(GG), substituted “Navy Re-
 serve” for “Naval Reserve” in text.

EFFECTIVE DATE

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

**§ 12011. Authorized strengths: reserve officers on
 active duty or on full-time National Guard
 duty for administration of the reserves or
 the National Guard**

(a) LIMITATIONS.—(1) Of the total number of
 members of a reserve component who are serv-
 ing on full-time reserve component duty at the
 end of any fiscal year, the number of those
 members who may be serving in each of the
 grades of major, lieutenant colonel, and colonel
 may not, as of the end of that fiscal year, exceed
 the number determined in accordance with the
 following table:

Total number of members of a re- serve component serving on full- time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army Reserve:			
10,000	1,390	740	230

Total number of members of a re- serve component serving on full- time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
11,000	1,529	803	242
12,000	1,668	864	252
13,000	1,804	924	262
14,000	1,940	984	272
15,000	2,075	1,044	282
16,000	2,210	1,104	291
17,000	2,345	1,164	300
18,000	2,479	1,223	309
19,000	2,613	1,282	318
20,000	2,747	1,341	327
21,000	2,877	1,400	336

Army National
Guard:

20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	378
26,000	1,930	1,085	395
28,000	2,070	1,168	420
30,000	2,200	1,245	445
32,000	2,330	1,315	460
34,000	2,450	1,385	470
36,000	2,570	1,455	480
38,000	2,670	1,527	490
40,000	2,770	1,590	500
42,000	2,837	1,655	505

Marine Corps Re-
serve:

1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	100	32
2,400	138	103	33
2,500	140	106	34
2,600	142	109	35

Air Force Re-
serve:

500	83	85	50
1,000	155	165	95
1,500	220	240	135
2,000	285	310	170
2,500	350	369	203
3,000	413	420	220
3,500	473	464	230
4,000	530	500	240
4,500	585	529	247
5,000	638	550	254
5,500	688	565	261
6,000	735	575	268
7,000	770	595	280
8,000	805	615	290
10,000	835	635	300

Air National
Guard:

5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	665	313
11,000	740	759	339