

HISTORICAL AND REVISION NOTES  
1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1006(a) .....	50:1195(a) (less last 30 words).	Sept. 3, 1954, ch. 1257, § 102(1) (as applicable to § 205), 205, 307(c), 503(c), 68 Stat. 1149, 1151, 1155, 1173; June 30, 1955, ch. 247, § 1(b), 69 Stat. 218.
1006(b) .....	50:1195(b) (less last 30 words).	
1006(c) .....	50:1227(c).	
1006(d) .....	50:1333(c).	
1006(d) .....	50:1181(1) (as applicable to 50:1195).	
1006(e) .....	50:1195(a) (last 30 words).	
	50:1195(b) (last 30 words).	
	50:1195(c).	

In subsections (a) and (b), the words “Notwithstanding any other provisions of this chapter, except as provided in sections 1265 and 1279 of this title” and “has been credited with, or” are omitted as surplusage. The words “entitled to be” in clause (1) are inserted for clarity.

In subsection (e), the words “at the end of that period” are substituted for the word “then” for clarity. The words “before the end of that period” are substituted for the word “earlier” for clarity.

1962 ACT

The change reflects the repeal of section 611 of the Reserve Officer Personnel Act of 1954, ch. 1257 (68 Stat. 1186), formerly section 1391 of title 50, and its restatement in section 787 of title 14 (see sections 5(2) and 36A of the Act of September 2, 1958, Pub. L. 85-861 (72 Stat. 1547 and 1569)).

AMENDMENTS

1994—Pub. L. 103-337, § 1662(h)(2), renumbered section 1006 of this title as this section.

Subsecs. (a), (b). Pub. L. 103-337, § 1675(d)(3)(B), substituted “573, 1407, or 1409” for “337, 361, 363, 573, 837, 861, or 863”.

Pub. L. 103-337, § 1675(d)(3)(A), substituted “12732” for “1332” wherever appearing.

Subsec. (e). Pub. L. 103-337, § 1675(d)(3)(C), added subsec. (e) and struck out former subsec. (e) which read as follows: “A reserve commissioned officer on active duty (other than for training) who, on the date on which he would otherwise be removed from an active status under section 3846, 3848, 3851, 3852, 6389, 6397, 6403, 6410, 8846, 8848, 8851, or 8852 of this title or section 740 of title 14, and who is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, may, in the discretion of the Secretary concerned, be retained on active duty for a period of not more than two years, if at the end of that period he will be qualified for retirement under one of those sections and will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14. An officer who is retained on active duty under this section may not be removed from an active status while he is on that duty. For officers covered by section 3846, 3848, 3851, or 3852 of this title, the ages at which transfer from an active status or discharge is required are those set forth in section 3843, 3844, or 3845 of this title, or section 21(e) of Public Law 85-861, as the case may be.”

1980—Subsec. (e). Pub. L. 96-513 substituted “Public Law 85-861” for “the Act enacting this section”.

Pub. L. 96-322 substituted “section 740 of title 14” for “section 787 of title 14”.

1975—Subsecs. (a), (b). Pub. L. 93-586, § 3(1), inserted reference to chapter 21 of title 14.

Subsec. (c). Pub. L. 93-586, § 3(2), substituted “An officer who is retained” for “An officer of the Army or the Air Force who is retained”.

Subsec. (e). Pub. L. 93-586, § 3(3), substituted “discharge is required by this title or title 14” for “discharge is required by this title”.

1967—Subsec. (e). Pub. L. 90-130 struck out references to sections 3847 and 8847 of this title.

1962—Subsec. (e). Pub. L. 87-651 substituted “section 787 of title 14” for “section 1391 of title 50”.

1960—Subsec. (e). Pub. L. 86-559 struck out references to sections 3849 and 8849 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by sections 1662(h)(2) and 1675(d)(3)(A) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, and amendment by section 1675(d)(3)(B), (C) of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

**§ 12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers**

Notwithstanding chapters 573, 1407, and 1409 of this title, a reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System or who is a property and fiscal officer appointed, designated, or detailed under section 708 of title 32, may be retained in an active status in that assignment or position until he becomes 62 years of age.

(Added Pub. L. 85-861, § 1(22)(B), Sept. 2, 1958, 72 Stat. 1445, § 1007; amended Pub. L. 86-559, § 1(3)(B), June 30, 1960, 74 Stat. 265; renumbered § 12647 and amended Pub. L. 103-337, div. A, title XVI, §§ 1662(h)(2), 1675(d)(4), Oct. 5, 1994, 108 Stat. 2996, 3018; Pub. L. 110-417, [div. A], title V, § 514(a), Oct. 14, 2008, 122 Stat. 4441.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1007 .....	50:1181(1) (as applicable to 50:1202).	Sept. 3, 1954, ch. 1257, §§ 102(1) (as applicable to § 212), 212, 68 Stat. 1149, 1153.

The words “this title” are substituted for the words “this chapter”, since the provisions of this title requiring transfer from an active status are based on the source statute for this section (the Reserve Officer Personnel Act of 1954).

AMENDMENTS

2008—Pub. L. 110-417 substituted “62 years” for “60 years”.

1994—Pub. L. 103-337, § 1675(d)(4), substituted “573, 1407, and 1409” for “337, 363, 573, 837, and 863”.

Pub. L. 103-337, § 1662(h)(2), renumbered section 1007 of this title as this section.

1960—Pub. L. 86-559 inserted “or serving as United States property and fiscal officers” in section catchline, and inserted provisions in text authorizing retention of reserve commissioned officers who are property and fiscal officers, appointed, designated, or detailed under section 708 of title 32.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1675(d)(4) of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

**CHAPTER 1221—SEPARATION**

- Sec. 12681. Reserves: discharge authority.
- 12682. Reserves: discharge upon becoming ordained minister of religion.

Sec.	
12683.	Reserve officers: limitation on involuntary separation.
12684.	Reserves: separation for absence without authority or sentence to imprisonment.
12685.	Reserves separated for cause: character of discharge.
12686.	Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.
12687.	Reserves under confinement by sentence of court-martial: separation after six months confinement.

## AMENDMENTS

1996—Pub. L. 104-106, div. A, title V, §563(a)(2)(B), Feb. 10, 1996, 110 Stat. 325, added item 12687.

**§ 12681. Reserves: discharge authority**

Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

(Added Pub. L. 103-337, div. A, title XVI, §1662(i)(1), Oct. 5, 1994, 108 Stat. 2997.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 1162(a) of this title, prior to repeal by Pub. L. 103-337, §1662(i)(2).

## 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.

## AVAILABILITY OF TRANSITION ASSISTANCE ADVISORS TO ASSIST MEMBERS OF RESERVE COMPONENTS WHO SERVE ON ACTIVE DUTY FOR MORE THAN 180 CONSECUTIVE DAYS

Pub. L. 112-239, div. A, title V, §513, Jan. 2, 2013, 126 Stat. 1718, provided that:

“(a) **TRANSITION ASSISTANCE ADVISOR PROGRAM AUTHORIZED.**—The Chief of the National Guard Bureau may establish a program to provide professionals (to be known as Transition Assistance Advisors) in each State to serve as points of contact to assist eligible members of the reserve components in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) **ELIGIBLE MEMBERS.**—To be eligible for assistance under this section, a member of a reserve component must have served on active duty in the Armed Forces for a period of more than 180 consecutive days.

“(c) **DUTIES.**—The duties of a Transition Assistance Advisor include the following:

“(1) To assist with the creation and execution of an individual transition plan for an eligible member of a reserve component and dependents of the member for the reintegration of the member into civilian life.

“(2) To provide employment support services to the member and dependents of the member, including assistance with finding employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) To provide information on relocation, health care, mental health care, and financial support services available to the member and dependents of the member from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

“(4) To provide information on educational support services available to the member, including Post-9/11 Educational Assistance under chapter 33 of title 38, United States Code.

“(d) **TRANSITION PLANS.**—The individual transition plan referred to in subsection (c)(1) created for an eligible member of a reserve component shall include at a minimum the following:

“(1) A plan for the transition of the member to civilian life, including with respect to employment, education, and health care.

“(2) A description of the transition services that the member and dependents of the member will need to achieve their transition objectives, including information on any forms that the member will need to fill out to be eligible for such services.

“(3) A point of contact for each agency or entity that can provide the transition services described in paragraph (2).

“(4) Such other information determined to be essential for the transition of the member, as determined by the Chief of the National Guard Bureau in consultation with the Secretary of Defense and the Secretary of Veterans Affairs.

“(e) **FUNDING.**—Funding for Transition Assistance Advisors for a fiscal year shall be derived from amounts authorized to be appropriated for operation and maintenance for the National Guard for that fiscal year.

“(f) **STATE DEFINED.**—In this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, and any territory of the United States.”

## IMPLEMENTATION OF AGREEMENT ON RESTRUCTURING OF ARMY NATIONAL GUARD AND ARMY RESERVE

Pub. L. 103-335, title VIII, §8129, Sept. 30, 1994, 108 Stat. 2652, provided that:

“(a) **FINDING.**—Congress finds that the implementation of the off-site agreement may result in the loss to the Armed Forces of military personnel who have significant military experience and expertise.

“(b) **REASSIGNMENT OF MEMBERS.**—(1) To the maximum extent practicable, the Secretary of the Army shall ensure that members of the Armed Forces who would otherwise be separated from service as a result of the deactivation of military units of the Army National Guard and the Army Reserve under the off-site agreement be reassigned instead to units that are not being deactivated.

“(2) The reassignment of a member under paragraph (1) shall not affect the grade or rank in grade of the member.

“(c) **REPORTS.**—Not later than April 15 and October 15 of each calendar year while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees a semi-annual report on the number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding six months.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘congressional defense committees’ means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

“(2) The term ‘off-site agreement’ means the agreement on the restructuring of the Army National Guard and the Army Reserve.”

## GUARD AND RESERVE TRANSITION INITIATIVES

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8050], Sept. 30, 1996, 110 Stat. 3009-71, 3009-99, provided that: “During the current fiscal year and hereafter, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2714) [set out below] shall be made from appropriations in this Act [Pub. L. 104-208] which are available for the pay of reserve component personnel.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-61, title VIII, §8061, Dec. 1, 1995, 109 Stat. 664.

Pub. L. 103-335, title VIII, §8073, Sept. 30, 1994, 108 Stat. 2635.