

- Sec.
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AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, §515(b)(4)(H), Jan. 6, 2006, 119 Stat. 3235, substituted “Navy Reserve” for “Naval Reserve” in item 12010.

1999—Pub. L. 106-65, div. A, title X, §1066(a)(31), Oct. 5, 1999, 113 Stat. 772, inserted “in an” after “officers” in item 12003.

§ 12001. Authorized strengths: reserve components

(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member’s reserve grade without the member’s consent.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2983.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3221, 3224, 5413, 5456, 8221, and 8224 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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reor-

ganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

END STRENGTHS FOR SELECTED RESERVE AND FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF RESERVES

Pub. L. 109-163, div. A, title IV, §§411, 412, Jan. 6, 2006, 119 Stat. 3220, 3221, which authorized end strengths for Selected Reserve personnel of the reserve components and for Reserves on active duty in support of the Reserves as of the last day of a fiscal year was from the National Defense Authorization Act for Fiscal Year 2006 and was repeated in provisions of subsequent authorization acts which are not set out in the Code. Similar provisions were contained in the following prior authorization acts:

Pub. L. 108-375, div. A, title IV, §§411, 412, Oct. 28, 2004, 118 Stat. 1864, 1865.

Pub. L. 108-136, div. A, title IV, §§411, 412, Nov. 24, 2003, 117 Stat. 1452, 1453.

Pub. L. 107-314, div. A, title IV, §§411, 412, Dec. 2, 2002, 116 Stat. 2526, 2527.

Pub. L. 107-107, div. A, title IV, §§411, 412, Dec. 28, 2001, 115 Stat. 1069, 1070.

Pub. L. 106-398, §1 [[div. A], title IV, §§411, 412], Oct. 30, 2000, 114 Stat. 1654, 1654A-93.

Pub. L. 106-65, div. A, title IV, §§411, 412, Oct. 5, 1999, 113 Stat. 585, 586.

Pub. L. 105-261, div. A, title IV, §§411, 412, Oct. 17, 1998, 112 Stat. 1997.

Pub. L. 105-85, div. A, title IV, §§411, 412, Nov. 18, 1997, 111 Stat. 1719, 1720.

Pub. L. 104-201, div. A, title IV, §§411, 412, Sept. 23, 1996, 110 Stat. 2506, 2507.

Pub. L. 104-106, div. A, title IV, §§411, 412, Feb. 10, 1996, 110 Stat. 287, 288.

Pub. L. 103-337, div. A, title IV, §§411, 412, Oct. 5, 1994, 108 Stat. 2746.

Pub. L. 103-160, div. A, title IV, §§411, 412, Nov. 30, 1993, 107 Stat. 1641, 1642.

Pub. L. 102-484, div. A, title IV, §§411, 412, Oct. 23, 1992, 106 Stat. 2399.

Pub. L. 102-190, div. A, title IV, §§411, 412, Dec. 5, 1991, 105 Stat. 1351.

Pub. L. 101-510, div. A, title IV, §§411(a)-(c), 412, Nov. 5, 1990, 104 Stat. 1546, 1547; Pub. L. 102-25, title II, §§201(a), 202, 205(a), Apr. 6, 1991, 105 Stat. 79, 80; Pub. L. 102-190, div. A, title IV, §414(e), Dec. 5, 1991, 105 Stat. 1353; Pub. L. 103-160, div. A, title V, §513, Nov. 30, 1993, 107 Stat. 1649.

Pub. L. 101-189, div. A, title IV, §§411, 412, Nov. 29, 1989, 103 Stat. 1432, as amended by Pub. L. 101-510, div. A, title IV, §411(d), Nov. 5, 1990, 104 Stat. 1547.

Pub. L. 100-456, div. A, title IV, §§411(a), 412, Sept. 29, 1988, 102 Stat. 1964.

Pub. L. 100-180, div. A, title IV, §§411, 412, Dec. 4, 1987, 101 Stat. 1082, 1083, as amended by Pub. L. 100-456, div. A, title IV, §411(b), Sept. 29, 1988, 102 Stat. 1964.

Pub. L. 99-661, div. A, title IV, §§411(a)-(c), 412(a), Nov. 14, 1986, 100 Stat. 3860, 3861.

Pub. L. 99-145, title IV, §§411, 412, Nov. 8, 1985, 99 Stat. 618, 619.

Pub. L. 98-525, title IV, §§411, 412, Oct. 19, 1984, 98 Stat. 2516, 2517.

Pub. L. 98-94, title V, §§501, 502, Sept. 24, 1983, 97 Stat. 630, 631.

Pub. L. 97-252, title V, §§501, 502, Sept. 8, 1982, 96 Stat. 726, as amended by Pub. L. 98-94, title V, §504(a), Sept. 24, 1983, 97 Stat. 631.

Pub. L. 97-86, title V, §§501, 502, Dec. 1, 1981, 95 Stat. 1107.

Pub. L. 96-342, title IV, §401, Sept. 8, 1980, 94 Stat. 1084.

Pub. L. 96-107, title IV, §401, Nov. 9, 1979, 93 Stat. 807.

Pub. L. 95-485, title IV, §401, Oct. 20, 1978, 92 Stat. 1613.

Pub. L. 95-79, title IV, §401, July 30, 1977, 91 Stat. 327.

Pub. L. 94-361, title IV, §401, July 14, 1976, 90 Stat. 926.

Pub. L. 94-106, title IV, §401, Oct. 7, 1975, 89 Stat. 532.

Pub. L. 93-365, title IV, §§401, 402, Aug. 5, 1974, 88 Stat. 402, 403.

Pub. L. 93-155, title IV, §§401, 402, Nov. 16, 1973, 87 Stat. 608.

Pub. L. 92-436, title IV, §§401, 402, Sept. 26, 1972, 86 Stat. 736.

Pub. L. 92-156, title III, §§301, 302, Nov. 17, 1971, 85 Stat. 425.

Pub. L. 91-441, title III, §§301, 302, Oct. 7, 1970, 84 Stat. 908.

Pub. L. 91-121, title III, §§301, 302, Nov. 19, 1969, 83 Stat. 206.

Pub. L. 90-500, title III, §§301, 302, Sept. 20, 1968, 82 Stat. 850.

RESERVE COMPONENT FORCE STRUCTURE

Pub. L. 102-484, div. A, title IV, §413, Oct. 23, 1992, 106 Stat. 2400, provided that:

“(a) REQUIREMENT TO PRESCRIBE RESERVE COMPONENT FORCE STRUCTURE.—The Secretary of each military department shall prescribe a force structure allowance for each reserve component under the jurisdiction of the Secretary. Each such force structure allowance for a reserve component—

“(1) shall be consistent with, but in no case include a number of personnel spaces that is less than, the authorized end strength for that component; and

“(2) shall be prescribed in accordance with historic service policies.

“(b) DEFINITION.—For purposes of this section, the term ‘force structure allowance’ means the number and types of units and organizations, and the number of authorized personnel spaces allocated to those units and organizations, in a military force.”

LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL

Pub. L. 102-484, div. A, title V, §518, Oct. 23, 1992, 106 Stat. 2407, as amended by Pub. L. 103-337, div. A, title VII, §716, Oct. 5, 1994, 108 Stat. 2803, prohibited Secretary of Defense from reducing number of medical personnel in any reserve component below number of such personnel in that component on Sept. 30, 1992, unless Secretary certified to Congress that number of such personnel to be reduced in particular military department was excess to current and projected needs for personnel in Selected Reserve of that department, and required that assessment of such needs be consistent with wartime requirements for Selected Reserve personnel identified in final report on comprehensive study of military medical care system prepared pursuant to section 733 of Pub. L. 102-190, formerly set out as a note under section 1071 of this title, prior to repeal by Pub. L. 104-106, div. A, title V, §564(d)(3), Feb. 10, 1996, 110 Stat. 327.

PROGRAM FOR ACTIVE COMPONENT SUPPORT OF RESERVES

Pub. L. 108-375, div. A, title V, §515(b)-(d), Oct. 28, 2004, 118 Stat. 1883, 1884, prohibited the Secretary of the Army from reducing the number of active component Reserve support personnel below the number of such personnel as of Oct. 28, 2004, until the Secretary of the Army submitted to the Committees on Armed Services of the Senate and House of Representatives, not later than Mar. 31, 2005, a report on the support by active components of the Army for training and readiness of the Army National Guard and Army Reserve.

Pub. L. 103-160, div. A, title V, §517(b), Nov. 30, 1993, 107 Stat. 1651, provided that:

“(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; [former] 10 U.S.C. 261 note [now set out below]), as amended by subsection (a).

“(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

“(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

“(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).”

Pub. L. 102-190, div. A, title IV, §414(a)-(d), Dec. 5, 1991, 105 Stat. 1352, 1353, as amended by Pub. L. 102-484, div. A, title V, §511(b), title XI, §1132, Oct. 23, 1992, 106 Stat. 2405, 2541; Pub. L. 103-160, div. A, title V, §517(a), Nov. 30, 1993, 107 Stat. 1650; Pub. L. 103-337, div. A, title IV, §413, Oct. 5, 1994, 108 Stat. 2747; Pub. L. 104-106, div. A, title IV, §413, Feb. 10, 1996, 110 Stat. 288; Pub. L. 104-201, div. A, title V, §545(b), Sept. 23, 1996, 110 Stat. 2524; Pub. L. 106-65, div. A, title X, §1066(d)(2), Oct. 5, 1999, 113 Stat. 773; Pub. L. 108-375, div. A, title V, §515(a), Oct. 28, 2004, 118 Stat. 1883, provided that:

“(a) PROGRAM REQUIRED.—The Secretary of the Army shall carry out a program to provide active component advisers to combat units, combat support units, and combat service support units in the Selected Reserve of the Ready Reserve that have a high priority for deployment on a time-phased troop deployment list or have another contingent high priority for deployment. The advisers shall be assigned to full-time duty in connection with organizing, administering, recruiting, instructing, or training such units.

“(b) OBJECTIVES OF PROGRAM.—The objectives of the program are as follows:

“(1) To improve the readiness of units in the reserve components of the Army.

“(2) To increase substantially the number of active component personnel directly advising reserve component unit personnel.

“(3) To provide a basis for determining the most effective mix of reserve component personnel and active component personnel in organizing, administering, recruiting, instructing, or training reserve component units.

“(4) To provide a basis for determining the most effective mix of active component officer and enlisted personnel in advising reserve component units regarding organizing, administering, recruiting, instructing, or training reserve component units.

“(c) PERSONNEL TO BE ASSIGNED.—(1) The Secretary shall assign not less than 3,500 active component personnel to serve as advisers under the program.

“(2) The Secretary of Defense may count toward the number of active component personnel required under paragraph (1) to be assigned to serve as advisers under the program under this section any active component personnel who are assigned to an active component unit (A) that was established principally for the purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provide such dedicated training support.

“(d) ACTION ON THE BASIS OF PROGRAM RESULTS.—Based on the experience under the pilot program, the Secretary of the Army shall by April 1, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary’s evaluation of the program to that date. As part of the budget submission for fiscal year 1995, the Secretary shall submit any recommendations for expansion or modification of the program, together with a proposal for any statutory changes that the Secretary considers necessary to implement the program on a permanent basis. In no case may the number of active duty personnel assigned to the program decrease below the number specified for the pilot program.”

RESERVE FORCES READINESS

Pub. L. 98-525, title V, §552(a)-(e), (g), Oct. 19, 1984, 98 Stat. 2530, as amended by Pub. L. 103-337, div. A, title XVI, §1661(a)(3)(B), Oct. 5, 1994, 108 Stat. 2980, provided that:

“(a)(1) The Secretary of Defense shall conduct a review of the various systems used to measure the readiness of reserve units of the Armed Forces and shall implement a measurement system for the active and reserve components of the Armed Forces to provide an objective and uniform evaluation of the readiness of all units of the Armed Forces. The measurement system should be designed to produce information adequate to provide comparisons concerning the readiness of all units. The system for evaluation of the readiness of a unit of an active component should incorporate the performance of any unit of a reserve component affiliated with the active component unit, including the effect of the reserve component unit on the mobilization capability of the active component unit.

“(2) Not later than March 31, 1985, the Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives describing the results of the review under paragraph (1) and the measurement system implemented in accordance with that paragraph.

“(b)(1) The Secretary of Defense, acting through the Assistant Secretary of Defense for Reserve Affairs [now Assistant Secretary of Defense for Manpower and Reserve Affairs], shall conduct a study to evaluate the feasibility of allocating equipment to units of reserve components based on a measure of effectiveness of such units. The study should consider the effects of allocating equipment by comparing units with similar deployment times and similar capabilities in terms of training and equipment rather than by comparing all reserve component units with each other. The study should be integrated with an evaluation of the system for measuring unit effectiveness to be implemented in accordance with subsection (a).

“(2) As part of the report under subsection (a)(2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study carried out under paragraph (1).

“(c) It is the sense of Congress that the number of members of the Army Reserve and of the Army National Guard assigned to full-time manning duty should be increased to 14 percent of the total membership of the Army Reserve and of the Army National Guard, respectively, by fiscal year 1989.

“(d)(1)(A) The Secretary of Defense, acting through the Assistant Secretary of Defense for Reserve Affairs [now Assistant Secretary of Defense for Manpower and Reserve Affairs], shall conduct a study of the benefits of a longer training program for certain units of the reserve components and shall conduct a test of such a program. The test program should begin at the earliest realistic date.

“(B) In developing training programs for the reserve components, the Secretary shall give increased attention to innovative training technologies, techniques, and schedules that recognize the limitations on time and the geographic dispersion of the reserve components.

“(2) Not later than March 31, 1985, the Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives describing the study under paragraph (1).

“(e) [Repealed. Pub. L. 103-337, div. A, title XVI, §1661(a)(3)(B), Oct. 5, 1994, 108 Stat. 2980.]

“(g) This section does not apply to the Coast Guard.”

§ 12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

(a) The authorized strengths of the National Guard and the reserve components of the Army

and the Air Force, exclusive of members who are included in the strengths authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

Army National Guard and the Army National Guard of the United States	600,000
Air Force Reserve	980,000
Air National Guard and the Air National Guard of the United States	150,000
Air Force Reserve	500,000.

(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2983.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3222, 3225, 8222, and 8225 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.

§ 12003. Authorized strengths: commissioned officers in an active status

(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

Army	275,000
Air Force	200,000
Navy	150,000
Marine Corps	24,500.

(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

(2) the excess results directly from the operation of a nondiscretionary provision of law.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2984.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3217, 5414, and 8217 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.

§ 12004. Strength in grade: reserve general and flag officers in an active status

(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active status, are as follows:

Army	207
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