

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.

CHAPTER 1203—ENLISTED MEMBERS

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AMENDMENTS

2001—Pub. L. 107-107, div. A, title V, §517(f)(2), Dec. 28, 2001, 115 Stat. 1096, added item 12108.

§ 12101. Definition

In this chapter, the term “enlistment” means original enlistment or reenlistment.

(Added Pub. L. 103-337, div. A, title XVI, §1662(b)(1), Oct. 5, 1994, 108 Stat. 2988.)

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§ 12102. Reserve components: qualifications

(a) To become an enlisted member of a reserve component a person must be enlisted as a Reserve of an armed force and subscribe to the oath prescribed by section 502 of this title, or be transferred to that component according to law. In addition, to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, he must meet the requirements of section 12107 of this title.

(b) Except as otherwise provided by law, the Secretary concerned shall prescribe physical, mental, moral, professional, and age qualifications for the enlistment of persons as Reserves of the armed forces under his jurisdiction. However, no person may be enlisted as a Reserve unless—

(1) he is a citizen of the United States or has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

(2) he has previously served in the armed forces or in the National Security Training Corps.

(c) A person who is otherwise qualified, but who has a physical defect that the Secretary concerned determines will not interfere with the performance of the duties to which that person may be assigned, may be enlisted as a Reserve of any armed force under the jurisdiction of that Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 17, §510; Pub. L. 88-236, Dec. 23, 1963, 77 Stat. 474; Pub. L. 90-130,

§1(2), Nov. 8, 1967, 81 Stat. 374; Pub. L. 90-623, §2(3), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 96-513, title V, §511(13), Dec. 12, 1980, 94 Stat. 2921; renumbered §12102 and amended Pub. L. 103-337, div. A, title XVI, §§1631(a), 1662(b)(2), 1675(a), Oct. 5, 1994, 108 Stat. 2964, 2989, 3017; Pub. L. 104-106, div. A, title XV, §1501(a)(5)(A), Feb. 10, 1996, 110 Stat. 495.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
510(a)	50:952 (less proviso).	July 9, 1952, ch. 608, §§217
510(b)	50:941(a) (as applicable to enlistments).	(less (c), as applicable to enlistments), 228
510(c)	50:941(b) (as applicable to enlistments).	(less proviso), 232 (as applicable to enlistments), 66 Stat. 486,
510(d)	50:956 (as applicable to enlistments).	488, 489.

In subsection (a), the last sentence is inserted to reflect sections 3261 and 8261 of this title.

In subsection (b), the word “However” is substituted for the words “Subject to the limitation that”. The words “as Reserves in the armed forces under his jurisdiction” are substituted for the words “of Reserve members of the Armed Forces of the United States”. The words “its Territories” are omitted as surplusage, since citizens of the Territories are citizens of the United States.

In subsection (c), the words “armed force concerned” are substituted for the words “of the appropriate Armed Force of the United States”. The words “in which she previously served satisfactorily” are substituted for the words “satisfactorily held by her”.

In subsection (d), the words “under the jurisdiction of that Secretary” are inserted for clarity. The words “general or special” are omitted as surplusage.

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (b)(1), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

AMENDMENTS

1996—Subsecs. (c), (d). Pub. L. 104-106 made technical correction to directory language of Pub. L. 103-337, §1631(a). See 1994 Amendment note below.

1994—Pub. L. 103-337, §1662(b)(2), renumbered section 510 of this title as this section.

Subsec. (a). Pub. L. 103-337, §1675(a), substituted “12107” for “3261 or 8261”.

Subsecs. (c), (d). Pub. L. 103-337, §1631(a), as amended by Pub. L. 104-106, redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “Women may be enlisted as Reserves of the armed forces. Women are enlisted in the grades and ratings authorized for enlisted women of the regular component of the armed force concerned. Any female former enlisted member of an armed force may, if otherwise qualified, be enlisted as a Reserve of that armed force in the highest grade or rating in which she previously served satisfactorily on active duty (other than for training).”

1980—Subsec. (b)(1). Pub. L. 96-513 substituted “the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)” for “chapter 12 of title 8”.

1968—Subsec. (a). Pub. L. 90-623 substituted “section 502” for “section 501”.

1967—Subsec. (c). Pub. L. 90-130 struck out provision limiting the reserve components in which women may be enlisted as Reserves of the armed forces to the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve.

1963—Subsec. (b)(1). Pub. L. 88-236 substituted “he is a citizen of the United States or has been lawfully ad-