

“(B) a terrorist attack or threatened terrorist attack in the United States that results, or could result, in catastrophic loss of life or property.” for “involving the use of a weapon of mass destruction (as defined in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))).” Subsec. (c)(3). Pub. L. 107-314, § 933, substituted “only while assigned” for “only—

“(A) while assigned to the Department of Defense Consequence Management Program Integration Office; or

“(B) while assigned”.

1999—Subsec. (a). Pub. L. 106-65, § 555(b)(1), inserted heading.

Subsec. (b). Pub. L. 106-65, § 555(a)(2), added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 106-65, § 555(b)(2), inserted heading.

Subsec. (c)(1). Pub. L. 106-65, § 555(b)(2), substituted “Notwithstanding subsection (b), a Reserve” for “A Reserve”.

Subsec. (c)(4). Pub. L. 106-65, § 556(a), struck out first sentence which read as follows: “The number of Reserves on active duty who are performing duties described in paragraph (1) at the same time may not exceed 228.”

Subsec. (c)(5). Pub. L. 106-65, § 1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

Subsec. (c)(6). Pub. L. 106-65, § 556(b), struck out “or to increase the number of personnel authorized by paragraph (4)” after “requirements of paragraph (3)” in introductory provisions and “or for the requested additional personnel and explain the need for the increase in the context of existing or projected similar capabilities at the local, State, and Federal levels” after “modification” in subpar. (A).

Subsec. (d). Pub. L. 106-65, § 555(a)(1), (b)(3), redesignated subsec. (b) as (d) and inserted heading.

1998—Subsec. (c). Pub. L. 105-261 added subsec. (c).

1996—Subsec. (b). Pub. L. 104-201 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “To assure that a Reserve on duty under subsection (a) receives periodic refresher training in the categories for which he is qualified, the Secretary concerned may detail him to duty with any armed force, or otherwise as the Secretary sees fit.”

1994—Pub. L. 103-337, § 1662(e)(2), renumbered section 678 of this title as this section.

Subsec. (a). Pub. L. 103-337, § 1675(c)(7), substituted “12301(d)” for “672(d)”.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS

Pub. L. 107-314, div. A, title XIV, § 1403, Dec. 2, 2002, 116 Stat. 2676, as amended by Pub. L. 112-239, div. A, title XIV, § 1435(a), Jan. 2, 2013, 126 Stat. 2051, provided that:

“(a) ESTABLISHMENT OF ADDITIONAL TEAMS.—The Secretary of Defense shall—

“(1) establish 23 additional teams designated as Weapons of Mass Destruction Civil Support Teams, for a total of 55 such teams; and

“(2) ensure that of such 55 teams, there is at least one team established in each State and territory.

“(b) ESTABLISHMENT OF FURTHER ADDITIONAL TEAMS.—The Secretary of Defense is authorized to have established two additional teams designated as Weapons of Mass Destruction Civil Support Teams, beyond the 55 teams required in subsection (a), if—

“(1) the Secretary of Defense has made the certification provided for in section 12310(c)(5) of title 10, United States Code, with respect to each of such additional teams before December 31, 2011; and

“(2) the establishment of such additional teams does not require an increase in authorized personnel levels above the numbers authorized as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 [Pub. L. 112-239, approved Jan. 2, 2013].

“(c) LIMITATION OF ESTABLISHMENT OF FURTHER TEAMS.—No Weapons of Mass Destruction Civil Support Team may be established beyond the number authorized by subsections (a) and (b) unless—

“(1) the Secretary submits to Congress a request for authority to establish such team, including a detailed justification for its establishment; and

“(2) the establishment of such team is specifically authorized by a law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(d) NOTIFICATION OF DISESTABLISHMENT OF TEAMS.—No Weapons of Mass Destruction Civil Support Team established pursuant to this section may be disestablished unless, by not later than 90 days before the date on which such team is disestablished, the Secretary submits to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] notice of the proposed disestablishment of the team and the date on which the disestablishment is proposed to take place.

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘Weapons of Mass Destruction Civil Support Team’ means a team of members of the reserve components of the Armed Forces that is established under section 12310(c) of title 10, United States Code, in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.

“(2) The term ‘State and territory’ means each of the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.”

#### § 12311. Active duty agreements

(a) To provide definite terms of active duty (other than for training) for Reserves with their consent, the Secretary concerned may make a standard written agreement with any member of a reserve component under his jurisdiction requiring the member to serve for a period of active duty (other than for training) of not more than five years. When such an agreement expires, a new one may be made. This subsection does not apply in time of war declared by Congress.

(b) An agreement may not be made under subsection (a) unless the specified period of duty is at least 12 months longer than any period of active duty that the member is otherwise required to perform.

(c) Agreements made under subsection (a) shall be uniform so far as practicable, and are subject to such standards and policies as may be prescribed by the Secretary of Defense for the armed forces under his jurisdiction or by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(d) If an agreement made under subsection (a) expires during a war or during a national emergency declared by Congress or the President after January 1, 1953, the Reserve concerned may be kept on active duty, without his consent, as otherwise prescribed by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 30, § 679; Pub. L. 96-513, title V, § 511(19), Dec. 12, 1980, 94 Stat. 2921; renumbered § 12311, Pub. L. 103-337, div. A, title XVI, § 1662(e)(2), Oct. 5, 1994, 108 Stat. 2992;

Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
679(a) .....	50:963(a) (less last sentence). 50:963(c). 50:963(f).	July 9, 1952, ch. 608, §§ 235 (less last sentence of (a), and less (b)), 236, 66 Stat. 491.
679(b) .....	50:963(d).	
679(c) .....	50:963(e).	
679(d) .....	50:964.	

In subsection (a), the words “To provide definite terms of active duty for” are substituted for the words “In order that \* \* \* may remain on or be ordered to active duty \* \* \* for terms of service of definite duration”. The words “with their consent” are substituted for the word “voluntarily”. The words “requiring the member to serve” are substituted for 50:963(c). The words “more than” are substituted for the words “to exceed”. The second sentence is substituted for 50:963(a) (2d sentence). The word “hereafter” is omitted as surplusage. 50:963(f) is omitted as executed. The words “under his jurisdiction” are inserted for clarity.

In subsection (b), the words “is at least \* \* \* longer” are substituted for the words “exceeds by at least”. The words “active duty that the member is otherwise required to perform” are substituted for the words “obligated or involuntary active duty to which he is otherwise liable”.

In subsection (c), the words “for the armed forces under his jurisdiction” are inserted for clarity.

## AMENDMENTS

2002—Subsec. (c). Pub. L. 107-296 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

1994—Pub. L. 103-337 renumbered section 679 of this title as this section.

1980—Subsec. (c). Pub. L. 96-513 substituted “Secretary of Transportation” for “Secretary of the Treasury”.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 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.

### § 12312. Active duty agreements: release from duty

(a) Each agreement made under section 12311(a) of this title shall provide that the member may not be released from active duty without his consent during the period of the agreement—

(1) because of a reduction in the actual personnel strength of the armed force concerned, unless the release is in accordance with the recommendation of a board of officers appointed by an authority designated by the Secretary concerned to determine the members to be released from active duty under regulations prescribed by the Secretary; or

(2) for any other reason, without an opportunity to be heard by a board of officers before the release, unless he is (A) dismissed or discharged under the sentence of a court-martial, (B) released because of an unexplained absence without leave for at least three months, (C) re-

leased because he is convicted and sentenced to confinement in a Federal or State penitentiary or correctional institution and the sentence has become final, or (D) released because he has been considered at least twice and has not been recommended for promotion to the next higher grade or because he is considered as having failed of selection for promotion to the next higher grade and has not been recommended for promotion to that grade, under conditions that would require the release or separation of a reserve officer who is not serving under such agreement.

(b) A member who is released from active duty without his consent before the end of his agreement made under section 12311(a) of this title is entitled to an amount computed by multiplying the number of years and fractions of a year of his unexpired period of service under the agreement by the sum of one month’s basic pay, special pay, and allowances to which he is entitled on the day of his release. The amount to which a member is entitled under this subsection is in addition to any pay and allowances to which he is otherwise entitled. For the purposes of this subsection, a fraction of a month of 15 days or more is counted as a whole month, and a fraction of a month of less than 15 days is disregarded. This subsection does not apply to a member if he is—

(1) released for a reason described in subsection (a)(2)(A)–(C);

(2) released because of a physical disability resulting from his intentional misconduct or wilful neglect;

(3) eligible for retired pay, separation pay, or severance pay under another provision of law;

(4) placed on a temporary disability retired list; or

(5) released to accept an appointment, or to be enlisted, in a regular component of an armed force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 30, § 680; Pub. L. 87-509, § 2, June 28, 1962, 76 Stat. 121; Pub. L. 98-525, title V, § 533(b), title XIV, § 1405(17), Oct. 19, 1984, 98 Stat. 2528, 2622; renumbered § 12312 and amended Pub. L. 103-337, div. A, title XVI, § 1662(e)(2), 1675(c)(8), Oct. 5, 1994, 108 Stat. 2992, 3017.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
680(a) .....	50:963(a) (last sentence).	July 9, 1952, ch. 608, § 235(a) (last sentence), (b), 66 Stat. 491.
680(b) .....	50:963(b).	

In subsections (a) and (b), the words “without his consent” are substituted for the word “involuntary”.

In subsection (a)(1), the word “because” is substituted for the words “by reason”. The words “actual personnel strength” are substituted for the words “numerical strength of the military personnel”.

In subsection (a)(2), the words “for any other reason” are substituted for the words “for reasons other than that prescribed in paragraph (1)”. The words “dismissed or discharged” are inserted for clarity. The words “at least” are substituted for the word “duration”. The words “is convicted and sentenced \* \* \* and the sentence has become final” are substituted for the words “final conviction and sentence”. The words “from active duty” are omitted as surplusage.