

would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2977; amended Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 652 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(3)(A).

#### AMENDMENTS

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

#### 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

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.

### § 10206. Members: physical examinations

(a) Each member of the Selected Reserve who is not on active duty shall—

(1) have a comprehensive medical readiness health and dental assessment on an annual basis, including routine annual preventive health care screening and periodic comprehensive physical examinations in accordance with regulations prescribed by the Secretary of Defense that reflect morbidity and mortality risks associated with the military service, age, and gender of the member; and

(2) execute and submit to the Secretary concerned on an annual basis documentation of the medical and dental readiness of the member to perform military duties.

(b) A member of the Individual Ready Reserve or inactive National Guard shall be examined for physical fitness as necessary to determine the member's physical fitness for—

(1) military duty or promotion;

(2) attendance at a school of the armed forces; or

(3) other action related to career progression.

(c) Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

(d) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2977; amended Pub. L. 107-107, div. A, title V, §516, Dec. 28, 2001,

115 Stat. 1094; Pub. L. 109-163, div. A, title VII, §732(a), (b), Jan. 6, 2006, 119 Stat. 3351, 3352.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 1004(a), (b) of this title, prior to repeal by Pub. L. 103-337, §1661(a)(4)(A).

#### AMENDMENTS

2006—Pub. L. 109-163, §732(b), struck out “periodic” before “physical” in section catchline.

Subsec. (a)(1). Pub. L. 109-163, §732(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “be examined as to the member's physical fitness every five years, or more often as the Secretary concerned considers necessary; and”.

Subsec. (a)(2). Pub. L. 109-163, §732(a)(2), substituted “to the Secretary concerned on an annual basis documentation of the medical and dental readiness of the member to perform military duties” for “annually to the Secretary concerned a certificate of physical condition”.

2001—Subsec. (a). Pub. L. 107-107, §516(a)(1), (2), substituted “Selected Reserve” for “Ready Reserve” in introductory provisions and redesignated concluding provisions as subsec. (c).

Subsec. (a)(1). Pub. L. 107-107, §516(b), substituted “the member's physical fitness” for “his physical fitness”.

Subsec. (b). Pub. L. 107-107, §516(a)(4), added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 107-107, §516(a)(2), redesignated concluding provisions of subsec. (a) as (c).

Subsec. (d). Pub. L. 107-107, §516(a)(3), redesignated subsec. (b) as (d).

#### 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.

### § 10207. Mobilization forces: maintenance

(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

(b) In this section, the term “partial mobilization” means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2977.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 276 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

#### 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.

### § 10208. Annual mobilization exercise

(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year.

The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2978.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 98-525, title V, §552(e), Oct. 19, 1984, 98 Stat. 2531, which was set out in a note under section 12001 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(3)(B).

#### 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.

### § 10209. Regular and reserve components: discrimination prohibited

Laws applying to both Regulars and Reserves shall be administered without discrimination—

- (1) among Regulars;
- (2) among Reserves; and
- (3) between Regulars and Reserves.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2978.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 277 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

#### 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.

### § 10210. Dissemination of information

The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2978.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 278 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

#### 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.

### § 10211. Policies and regulations: participation of Reserve officers in preparation and administration

Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of

its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number of any staff with which he is serving.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2978.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 265 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A).

#### 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.

### § 10212. Gratuitous services of officers: authority to accept

(a) Notwithstanding section 1342 of title 31, the Secretary of Defense may accept the gratuitous services of an officer of a reserve component (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States) in consultation upon matters relating to the armed forces.

(b) Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

- (1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or
- (2) in consultation upon matters relating to the armed forces.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(1), Oct. 5, 1994, 108 Stat. 2978; amended Pub. L. 103-355, title III, §3021(a), Oct. 13, 1994, 108 Stat. 3333.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 279 of this title, prior to repeal by Pub. L. 103-337, §1661(a)(2)(A), and in sections 4541 and 9541 of this title, prior to repeal by Pub. L. 103-160, §822(d)(2).

#### AMENDMENTS

1994—Pub. L. 103-355 added subsec. (a) and designated existing provisions as subsec. (b).

#### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-355, title III, §3021(b), Oct. 13, 1994, 108 Stat. 3333, provided that: "Notwithstanding section 10001 [set out as a note under section 2302 of this title], the amendments made by subsection (a) [amending this section] shall take effect on December 1, 1994, immediately after the amendments made by the Reserve Officer Personnel Management Act [Pub. L. 103-337, see Tables for classification]."

#### 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.