

DEADLINE FOR REGULATIONS IMPLEMENTING SUBSECTION (e) OF THIS SECTION

Pub. L. 100-180, div. A, title VII, §718(b), Dec. 4, 1987, 101 Stat. 1115, provided that: “The Secretary concerned shall prescribe regulations implementing subsection (e) of section 591 [now 12201(d)] of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act [Dec. 4, 1987].”

§ 12202. Commissioned officer grades

Except for commissioned warrant officers, the reserve commissioned officer grades in each armed force are those authorized for regular commissioned officers of that armed force.

(Added Pub. L. 85-861, §1(10)(B), Sept. 2, 1958, 72 Stat. 1440, §592; renumbered §12202, Pub. L. 103-337, div. A, title XVI, §1662(c)(2), Oct. 5, 1994, 108 Stat. 2990.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
592	50:1181(1) (as applicable to 50:1201). 50:1201.	Sept. 3, 1954, ch. 1257, §102(1) (as applicable to §211), 211, 68 Stat. 1149, 1153.

The words “including those heretofore or hereafter transferred to the Retired Reserve”, “permanent”, and “pursuant to the Officer Personnel Act of 1947, as amended” are omitted as surplusage. The rule as to the Coast Guard is consolidated with the rule applicable to the other armed forces, since 14:754 prescribes the same substantive result as that prescribed by 50:1201 for the other armed forces.

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 592 of this title as this section.

§ 12203. Commissioned officers: appointment, how made; term

(a) Appointments of reserve officers in commissioned grades of lieutenant colonel and commander or below, except commissioned warrant officer, shall be made by the President alone. Appointments of reserve officers in commissioned grades above lieutenant colonel and commander shall be made by the President, by and with the advice and consent of the Senate, except as provided in section 624, 12213, or 12214 of this title.

(b) Subject to the authority, direction, and control of the President, the Secretary of Defense may appoint as a reserve commissioned officer any regular officer transferred from the active-duty list of an armed force to the reserve active-status list of a reserve component under section 647 of this title, notwithstanding the requirements of subsection (a).

(c) Appointments of Reserves in commissioned grades are for an indefinite term and are held during the pleasure of the President.

(Aug. 10, 1956, ch. 1041, 70A Stat. 25, §593; Pub. L. 85-861, §1(10)(C), Sept. 2, 1958, 72 Stat. 1440; Pub. L. 92-129, title VI, §601, Sept. 28, 1971, 85 Stat. 361; Pub. L. 96-513, title V, §501(7), Dec. 12, 1980, 94 Stat. 2907; renumbered §12203 and amended Pub. L. 103-337, div. A, title XVI, §§1632, 1662(c)(2), 1675(b)(1), Oct. 5, 1994, 108 Stat. 2965, 2990, 3017; Pub. L. 104-106, div. A, title XV,

§1501(a)(6), Feb. 10, 1996, 110 Stat. 495; Pub. L. 108-375, div. A, title V, §501(c)(4), Oct. 28, 2004, 118 Stat. 1874; Pub. L. 111-383, div. A, title X, §1075(b)(54), Jan. 7, 2011, 124 Stat. 4372; Pub. L. 116-92, div. A, title V, §501(b), Dec. 20, 2019, 133 Stat. 1343.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
593(a)	50:942. 50:943. 50:945.	July 9, 1952, ch. 608, §§218, 219, 221, 224 (less 3d and 4th sentences, as applicable to commissioned officers), 66 Stat. 467.
593(b)	50:948 (less 3d and 4th sentences, as applicable to commissioned officers).	

In subsection (a), the word “alone” is inserted for clarity. The exception as to commissioned warrant officers is inserted to reflect section 597 of this title, since reserve chief warrant officers of the Navy, Marine Corps, and Coast Guard are appointed by commission by the Secretary concerned.

In subsection (b), 50:948 (2d and last sentences) is omitted as executed.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
593(a)	[No source].	[No source].

The exception is inserted to reflect section 3352(b) of title 10, United States Code.

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-92 substituted “the Secretary of Defense” for “the Secretary concerned”.

2011—Subsec. (a). Pub. L. 111-383 substituted “of” for “above” in first sentence.

2004—Subsecs. (b), (c). Pub. L. 108-375 added subsec. (b) and redesignated former subsec. (b) as (c).

1996—Subsec. (a). Pub. L. 104-106 made technical correction to directory language of Pub. L. 103-337, §1632. See 1994 Amendment note below.

1994—Pub. L. 103-337, §1662(c)(2), renumbered section 593 of this title as this section.

Subsec. (a). Pub. L. 103-337, §1675(b), substituted “12213, or 12214” for “3352, or 8352”.

Pub. L. 103-337, §1632, as amended by Pub. L. 104-106, substituted “reserve officers in commissioned grades of lieutenant colonel and commander or below” for “Reserves in commissioned grades below lieutenant colonel and commander” and “reserve officers in commissioned grades above lieutenant colonel and commander” for “Reserves in commissioned grades above major and lieutenant commander”.

1980—Subsec. (a). Pub. L. 96-513 inserted reference to section 624 of this title.

1971—Subsec. (a). Pub. L. 92-129 substituted “below lieutenant colonel and commander” for “below general officer and flag officer”, “in commissioned grades above major and lieutenant commander” for “as general and flag officers”, and “section 3352 or 8352 of this title” for “section 3352 of this title”.

1958—Subsec. (a). Pub. L. 85-861 inserted “, except as provided in section 3352 of this title” after “consent of the Senate”.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-375 effective on the first day of the first month beginning more than 180 days after Oct. 28, 2004, see section 501(g) of Pub. L. 108-375, set out as a note under section 531 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title