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AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, § 507(a)(2)(C), Oct. 17, 2006, 120 Stat. 2180, struck out “while so serving” after “reserve grade” in item 12210.

1996—Pub. L. 104-106, div. A, title XV, § 1501(b)(11)(B), (13)(B), Feb. 10, 1996, 110 Stat. 496, substituted “Reserve officers: qualifications” for “Qualifications” in item 12201 and inserted “the” after “National Guard of” in items 12211, 12212, 12213, and 12214.

§ 12201. Reserve officers: qualifications for appointment

(a)(1) To become an officer of a reserve component a person must be appointed as a Reserve of an armed force in a grade corresponding to a grade authorized for the regular component of the armed force concerned and, except as provided in paragraph (2), subscribe to the oath prescribed by section 3331 of title 5. In addition, to become an officer of the Army National Guard of the United States or the Air National Guard of the United States, he must first be appointed to, and be federally recognized in, the same grade in the Army National Guard or the Air National Guard, as the case may be.

(2) If an officer is transferred from the active-duty list of an armed force to a reserve active-status list of an armed force in accordance with regulations prescribed by the Secretary of Defense, the officer is not required to subscribe to the oath referred to in paragraph (1) in order to qualify for an appointment under that paragraph.

(b) Except as otherwise provided by law, the Secretary concerned shall prescribe physical, mental, moral, professional, and age qualifications for the appointment of persons as Reserves of the armed forces under his jurisdiction. However, no person may be appointed as a Reserve unless he is at least 18 years of age and—

(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 appointed as a Reserve of any armed force under the jurisdiction of that Secretary.

(d) In prescribing age qualifications under subsection (b) for the appointment of persons as Re-

serves of the armed forces under his jurisdiction, the Secretary concerned may not prescribe a maximum age qualification of less than 47 years of age for the initial appointment of a person as a Reserve to serve in a health profession specialty which has been designated by the Secretary concerned as a specialty critically needed in wartime.

(Aug. 10, 1956, ch. 1041, 70A Stat. 24, § 591; Pub. L. 85-861, § 1(10)(A), Sept. 2, 1958, 72 Stat. 1440; Pub. L. 88-236, Dec. 23, 1963, 77 Stat. 474; Pub. L. 89-718, § 4, Nov. 2, 1966, 80 Stat. 1115; Pub. L. 90-130, § 1(3), Nov. 8, 1967, 81 Stat. 374; Pub. L. 96-513, title V § 511(16), Dec. 12, 1980, 94 Stat. 2921; Pub. L. 100-180, div. A, title VII, § 718(a), Dec. 4, 1987, 101 Stat. 1115; renumbered § 12201 and amended Pub. L. 103-337, div. A, title XVI, §§ 1631(b), 1662(c)(2), Oct. 5, 1994, 108 Stat. 2964, 2990; Pub. L. 104-106, div. A, title XV, § 1501(a)(5)(B), (b)(11)(A), Feb. 10, 1996, 110 Stat. 495, 496; Pub. L. 108-375, div. A, title V, § 501(c)(3), Oct. 28, 2004, 118 Stat. 1874; Pub. L. 111-383, div. A, title V, § 515, Jan. 7, 2011, 124 Stat. 4213.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
591(a)	50:946.	July 9, 1952, ch. 608, §§ 217
591(b)	50:941(a) (less applicability to enlistments).	(less (c), and less applicability to enlistments), 222, 232 (less applicability to enlistments), 66 Stat. 486, 487, 489.
591(c)	50:941(b) (less applicability to enlistments).	
591(d)	50:956 (less applicability to enlistments).	

In subsection (a), 50:946(a) (last 12 words of proviso) is omitted as covered by section 312 of title 32, 50:946(b) is omitted as covered by the revised subsection.

In subsection (b), the word “However” is substituted for the words “Subject to the limitation that”. The exception as to section 4(i)(7) of the Universal Military Training and Service Act is inserted for clarity. The words “as Reserves of the armed forces under his jurisdiction” are substituted for the words “of Reserve members of the Armed Forces of the United States”. The words “unless he is at least 18 years of age” are substituted for 50:941(a) (last sentence). 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 the grades corresponding to the grades authorized for female officers of the” are substituted for the words “in the same grades * * * as are authorized for women in the”, to conform to subsection (a). 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.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
591(c)	50:941(b).	July 30, 1956, ch. 789, § 4(a), 70 Stat. 729.

The words “Subject to section 946(a) of this title” are omitted, since that section is restated in subsection (a) of the revised section and is applicable to all reserve appointments. 50:941(b) (last 2 sentences) is omitted as covered by sections 510 and 591 of this title.