

§ 12243. Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency

In time of war, or of emergency declared after May 29, 1954, by Congress or the President, the President may suspend the operation of any provision of law relating to promotion, or mandatory retirement or separation, of permanent reserve warrant officers of any armed force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 26, §599; renumbered §12243, Pub. L. 103-337, div. A, title XVI, §1662(d)(2), Oct. 5, 1994, 108 Stat. 2991.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
599	10:600p (as applicable to reserve warrant officers). 34:330g (as applicable to reserve warrant officers). 34:430d (as applicable to reserve warrant officers).	May 29, 1954, ch. 249, §18 (as applicable to reserve warrant officers), 68 Stat. 165.

The word “may” is substituted for the words “is authorized, in his discretion”. The words “any provision of law” are substituted for the words “all or any part or parts of the several provisions of law”.

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 599 of this title as this section.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of Defense, see section 1(4) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 12244. Warrant officers: discharge or retirement for years of service or for age

Each reserve warrant officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

(1) be transferred to the Retired Reserve if the warrant officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(2) be discharged if the warrant officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(Added Pub. L. 107-107, div. A, title V, §517(e)(1), Dec. 28, 2001, 115 Stat. 1095.)

EFFECTIVE DATE

Section effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as an Effective Date of 2001 Amendment note under section 10154 of this title.

CHAPTER 1209—ACTIVE DUTY

Sec. 12301.	Reserve components generally.
12302.	Ready Reserve.

Sec. 12303.	Ready Reserve: members not assigned to, or participating satisfactorily in, units.
12304.	Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency.
12304a.	Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.
12304b.	Selected Reserve: order to active duty for preplanned missions in support of the combatant commands.
12305.	Authority of President to suspend certain laws relating to promotion, retirement, and separation.
12306.	Standby Reserve.
12307.	Retired Reserve.
12308.	Retention after becoming qualified for retired pay.
12309.	Reserve officers: use of in expansion of armed forces.
12310.	Reserves: for organizing, administering, etc., reserve components.
12311.	Active duty agreements.
12312.	Active duty agreements: release from duty.
12313.	Reserves: release from active duty.
12314.	Reserves: kinds of duty.
12315.	Reserves: duty with or without pay.
12316.	Payment of certain Reserves while on duty.
12317.	Reserves: theological students; limitations.
12318.	Reserves on active duty: duties; funding.
12319.	Ready Reserve: muster duty.
12320.	Reserve officers: grade in which ordered to active duty.
12321.	Reserve Officer Training Corps units: limitation on number of Reserves assigned.
12322.	Active duty for health care.
12323.	Active duty pending line of duty determination required for response to sexual assault.

AMENDMENTS

2013—Pub. L. 112-239, div. A, title V, §571(b), Jan. 2, 2013, 126 Stat. 1753, added item 12323.

2011—Pub. L. 112-81, div. A, title V, §§515(a)(2), 516(a)(2), Dec. 31, 2011, 125 Stat. 1394, 1397, added items 12304a and 12304b.

1999—Pub. L. 106-65, div. A, title VII, §705(a)(2), Oct. 5, 1999, 113 Stat. 683, added item 12322.

1997—Pub. L. 105-85, div. A, title V, §511(e)(2), Nov. 18, 1997, 111 Stat. 1729, inserted “and certain Individual Ready Reserve members” after “Selected Reserve” in item 12304.

1996—Pub. L. 104-106, div. A, title XV, §1501(b)(16), Feb. 10, 1996, 110 Stat. 496, substituted a semicolon for a colon in item 12304 and struck out “on active duty” after “Retention” in item 12308.

§ 12301. Reserve components generally

(a) In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty for the duration of the war or emergency and for six months thereafter. However a member on an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive Na-