

Subsec. (d). Pub. L. 103-337, §1675(c)(10), substituted “1223” for “67”.

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.

§ 12320. Reserve officers: grade in which ordered to active duty

A reserve officer who is ordered to active duty or full-time National Guard duty shall be ordered to active duty or full-time National Guard duty in his reserve grade, except that a reserve officer who is credited with service under section 12207 of this title and is ordered to active duty and placed on the active-duty list may be ordered to active duty in a reserve grade and with a date of rank and position on the active-duty list determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited.

(Added Pub. L. 96-513, title I, §106, Dec. 12, 1980, 94 Stat. 2868, §689; amended Pub. L. 97-22, §4(g), July 10, 1981, 95 Stat. 127; renumbered §12320 and amended Pub. L. 103-337, div. A, title XVI, §§1625, 1662(e)(2), 1675(c)(11), Oct. 5, 1994, 108 Stat. 2962, 2992, 3018; Pub. L. 104-106, div. A, title XV, §1501(a)(2), Feb. 10, 1996, 110 Stat. 495.)

AMENDMENTS

1996—Pub. L. 104-106 made technical correction to directory language of Pub. L. 103-337, §1625. See 1994 Amendment note below.

1994—Pub. L. 103-337, §1675(c)(11), substituted “12207” for “3353, 5600, or 8353”.

Pub. L. 103-337, §1662(e)(2), renumbered section 689 of this title as this section.

Pub. L. 103-337, §1625, as amended by Pub. L. 104-106, inserted “or full-time National Guard duty” after “who is ordered to active duty” and after “shall be ordered to active duty” and inserted “and placed on the active-duty list” after “and is ordered to active duty”.

1981—Pub. L. 97-22 inserted provision relating to a reserve officer who is credited with service under section 3353, 5600, or 8353 of this title and is ordered to active duty.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by sections 1662(e)(2) and 1675(c)(11) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, and amendment by section 1625 of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned

The number of members of the reserve components serving on active duty or full-time Na-

tional Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components who are assigned to duty with a unit of the Reserve Officer Training Corps program may not exceed 275.

(Added Pub. L. 101-510, div. A, title V, §559(a)(1), Nov. 5, 1990, 104 Stat. 1571, §687; renumbered §690 and amended Pub. L. 102-25, title VII, §704(a)(3)(A), (B), Apr. 6, 1991, 105 Stat. 118; Pub. L. 102-190, div. A, title X, §1061(a)(4)(A), Dec. 5, 1991, 105 Stat. 1472; Pub. L. 102-484, div. A, title V, §512, Oct. 23, 1992, 106 Stat. 2405; Pub. L. 103-160, div. A, title V, §512, Nov. 30, 1993, 107 Stat. 1649; renumbered §12321 and amended Pub. L. 103-337, div. A, title XVI, §1662(e)(2), (3), Oct. 5, 1994, 108 Stat. 2992.)

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 690 of this title as this section and substituted “Reserve Officer Training Corps units: limitation on number of Reserves assigned” for “Limitation on duty with Reserve Officer Training Corps units” as section catchline.

1993—Pub. L. 103-160 substituted “may not exceed 275” for “may not exceed 200”.

1992—Pub. L. 102-484 substituted “The number of members of the reserve components” for “A member of a reserve component”, “who are assigned” for “may not be assigned”, and “may not exceed 200.” for period at end.

1991—Pub. L. 102-190 substituted “Corps” for “Corp” in section catchline.

Pub. L. 102-25, §704(a)(3)(B), renumbered section 687 of this title as this section.

Pub. L. 102-25, §704(a)(3)(A), made technical correction to directory language of Pub. L. 101-510, §559(a)(1), which enacted this section.

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.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-25, title VII, §704(e), Apr. 6, 1991, 105 Stat. 120, provided that: “The amendments made by this section [amending this section and sections 6686 and 7381b of Title 42, The Public Health and Welfare, and amending provisions set out as notes under this section, sections 1701, 1705, 1721, 1724, 1733, 2302, 2306a, 2432, and 3074 of this title, and section 1928 of Title 22, Foreign Relations and Intercourse] shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).”

EFFECTIVE DATE

Pub. L. 101-510, div. A, title V, §559(b), Nov. 5, 1990, 104 Stat. 1571, as amended by Pub. L. 102-25, title VII, §704(a)(3)(C), Apr. 6, 1991, 105 Stat. 118, provided that: “Section 690 [now 12321] of title 10, United States Code, as added by subsection (a), shall take effect on September 30, 1991.”

WAIVER OF PROHIBITION ON CERTAIN RESERVE SERVICE WITH ROTC PROGRAM

Pub. L. 102-190, div. A, title V, §525, Dec. 5, 1991, 105 Stat. 1363, as amended by Pub. L. 104-106, div. A, title XV, §1501(d)(2), Feb. 10, 1996, 110 Stat. 500, permitted the Secretary of the military department concerned to waive the prohibition in this section in the case of a member of a reserve component of the Armed Forces who is serving with the Reserve Officer Training Corps program on Sept. 30, 1991, if the removal of the member from that assignment would cause a financial hardship for that member.