

serve active-status list under section 14504, 14505, 14506, or 14507 of this title and who has not completed a service obligation incurred under section 16201 of this title shall be retained on the reserve active-status list until the completion of such service obligation and then discharged, unless sooner retired or discharged under another provision of law.

(2) The Secretary concerned may waive the applicability of paragraph (1) to any officer if the Secretary determines that completion of the service obligation of that officer is not in the best interest of the service.

(3) A health professions officer who is continued on the reserve active-status list under this subsection who is subsequently promoted or whose name is on a list of officers recommended for promotion to the next higher grade is not required to be discharged or retired upon completion of the officer's service obligation. Such officer may continue on the reserve active-status list as other officers of the same grade unless separated under another provision of law.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2954; amended Pub. L. 106-398, §1 [[div. A], title V, §522], Oct. 30, 2000, 114 Stat. 1654, 1654A-108; Pub. L. 108-136, div. A, title V, §511(a), Nov. 24, 2003, 117 Stat. 1459; Pub. L. 113-291, div. A, title V, §511, Dec. 19, 2014, 128 Stat. 3357.)

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-291, §511(a), designated existing provisions as subpar. (A), substituted “A reserve officer of the Army, Navy, Air Force, or Marine Corps described in subparagraph (B) who is required to be removed from the reserve active-status list under section 14504 of this title, or a reserve officer of” for “A reserve officer of” and “of this title, may” for “of this title may, subject to the needs of the service and to section 14509 of this title.”, and added subpars. (B) and (C).

Subsecs. (b), (c). Pub. L. 113-291, §511(b), added subsec. (b) and redesignated former subsec. (b) as (c).

2003—Subsec. (a)(1). Pub. L. 108-136, §511(a)(1)(A), substituted “under regulations prescribed by the Secretary of Defense” for “by a selection board convened under section 14101(b) of this title”.

Subsec. (a)(6). Pub. L. 108-136, §511(a)(1)(B), substituted “under regulations prescribed under paragraph (1)” for “as a result of the convening of a selection board under section 14101(b) of this title”.

Subsecs. (b) to (d). Pub. L. 108-136, §511(a)(2), (3), redesignated subsec. (d) as (b) and struck out former subsecs. (b) and (c) which read as follows:

“(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

“(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.”

2000—Subsec. (a)(1). Pub. L. 106-398 substituted “A reserve officer” for “Upon application, a reserve officer”.

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general

(a) RETENTION.—Notwithstanding the provisions of section 14506, 14507, or 14508 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, colonel, or brigadier general who is—

(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

(b) SEPARATION FOR AGE.—An officer may be retained under this section only so long as the officer continues to meet the conditions of paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2955; amended Pub. L. 105-85, div. A, title V, §521(a), Nov. 18, 1997, 111 Stat. 1734; Pub. L. 110-417, [div. A], title V, §514(b), (c)(1), Oct. 14, 2008, 122 Stat. 4441.)

AMENDMENTS

2008—Pub. L. 110-417, §514(c)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Retention on reserve active-status list of certain officers until age 60”.

Subsec. (b). Pub. L. 110-417, §514(b), in heading, substituted “for Age” for “at Age 60” and, in text, substituted “paragraph (1) or (2) of subsection (a)” for “subsection (a)(1) or (a)(2)” and “An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.” for “An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.”

1997—Subsec. (a). Pub. L. 105-85, in introductory provisions, substituted “section 14506, 14507, or 14508” for “section 14506 or 14507” and “colonel, or brigadier general” for “or colonel”.

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14703. Authority to retain chaplains and officers in medical specialties until specified age

(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for

officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.

(b) SEPARATION AT SPECIFIED AGE.—(1) Subject to paragraph (2), an officer may not be retained in active status under this section later than the date on which the officer becomes 68 years of age.

(2) The Secretary concerned may, with the consent of the officer, retain in an active status an officer in a medical specialty described in subsection (a) beyond the date described in paragraph (1) of this subsection if the Secretary concerned determines that such retention is necessary to the military department concerned. Each such retention shall be made on a case-by-case basis and for such period as the Secretary concerned determines appropriate.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2956; amended Pub. L. 106-65, div. A, title V, §516, Oct. 5, 1999, 113 Stat. 594; Pub. L. 106-398, §1 [[div. A], title V, §523], Oct. 30, 2000, 114 Stat. 1654, 1654A-108; Pub. L. 110-417, [div. A], title V, §516(a), Oct. 14, 2008, 122 Stat. 4442; Pub. L. 116-92, div. A, title V, §516, Dec. 20, 2019, 133 Stat. 1349.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3855(a), (c)(1), 6392(a), (c)(1), and 8855(a), (c)(1) of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (b)(3), (c)(3).

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-92 designated existing provisions as par. (1), substituted “Subject to paragraph (2), an” for “An”, and added par. (2).

2008—Subsec. (b). Pub. L. 110-417 substituted “68 years” for “67 years”.

2000—Subsec. (a)(3). Pub. L. 106-398 substituted “Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.” for “veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.”

1999—Subsec. (b). Pub. L. 106-65 struck out “(or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age)” after “67 years of age”.

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 14704. Selective early removal from the reserve active-status list

(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—(1) Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider officers on the reserve active-status list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from that list.

(2) Except as provided in paragraph (3), the list of officers in a reserve component whose names are submitted to a board under paragraph (1) shall include each officer on the reserve active-status list for that reserve component in the same grade and competitive category whose position on the reserve active-status list is between—

(A) that of the most junior officer in that grade and competitive category whose name is submitted to the board; and

(B) that of the most senior officer in that grade and competitive category whose name is submitted to the board.

(3) A list submitted to a board under paragraph (1) may not include an officer who—

(A) has been approved for voluntary retirement; or

(B) is to be involuntarily retired under any provision of law during the fiscal year in which the board is convened or during the following fiscal year.

(b) SPECIFICATION OF NUMBER OF OFFICERS WHO MAY BE RECOMMENDED FOR SEPARATION.—The Secretary of the military department concerned shall specify the number of officers described in subsection (a)(1) that a board may recommend for separation under subsection (c).

(c) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

(d) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2956; amended Pub. L. 113-66, div. A, title V, §503(b), Dec. 26, 2013, 127 Stat. 750.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3850 and 8850 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (c)(3).