

section (a)(1) or (b)(2), as applicable. Other rights and benefits of the Reserve or the Reserve's dependents are unaffected by this subsection.

(d) The Secretary of Defense shall prescribe regulations under which a Reserve of the Army, Navy, Air Force, Marine Corps, or Coast Guard may waive the pay and allowances authorized by law for the duty the Reserve is performing under subsection (a)(2) or (b)(2).

(Added Pub. L. 85-861, §1(15), Sept. 2, 1958, 72 Stat. 1441, §684; amended Pub. L. 93-586, §1, Jan. 2, 1975, 88 Stat. 1920; renumbered §12316, Pub. L. 103-337, div. A, title XVI, §1662(e)(2), Oct. 5, 1994, 108 Stat. 2992; Pub. L. 116-283, div. A, title VI, §621(a)-(d), Jan. 1, 2021, 134 Stat. 3675, 3676.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
684(a)	10 App.:369b (less proviso and last 3 sentences). 34 App.:853e-1 (less provisos and last 3 sentences).	Aug. 2, 1946, ch. 756, §10; restated Sept. 27, 1950, ch. 1053, §1, 64 Stat. 1067; July 12, 1955, ch. 337, §§1, 4, 69 Stat. 300, 301.
684(b)	10 App.:369b (proviso and last 3 sentences). 34 App.:853e-1 (provisos and last 3 sentences).	Sept. 27, 1950, ch. 1053, §2, 64 Stat. 1067; July 12, 1955, ch. 337, §§2, 4, 69 Stat. 301.

In subsections (a) and (b), the words "retirement pay" are omitted as covered by the words "retired pay".

In subsection (a), the words "Except as provided by subsection (b)" are inserted for clarity. The words "who performs duty for which he is entitled to compensation, may elect to receive for that duty" are substituted for the words "may elect, with reference to periods of active duty, active duty for training, drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law". The words "Notwithstanding the provisions of any other law", in 10 App.:369b, and "or relinquish" are omitted as surplusage.

Subsection (a)(1) is substituted for clause (2) of 10 App.:369b, and clause (2) of 34 App.:853e-1.

In subsection (a)(2), the words "pay and allowances authorized by law for the duty that he is performing" are substituted for clause (1) of 10 App.:369b and 34 App.:853e-1.

In subsection (b), the word "extended", the next to the last sentence of 10 App.: 369b and of 34 App.: 853e-1, and the first proviso of 34 App.:853e-1, are omitted as surplusage.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §621(a)(1), in introductory provisions, substituted "subsection (c)" for "subsection (b)", "the Reserve's earlier military service" for "his earlier military service", "retired or retainer pay" for "a pension, retired or retainer pay, or disability compensation", and "the Reserve is entitled" for "he is entitled".

Subsec. (a)(1), (2). Pub. L. 116-283, §621(a)(2), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) the payments to which he is entitled because of his earlier military service; or

"(2) if he specifically waives those payments, the pay and allowances authorized by law for the duty that he is performing."

Subsec. (b). Pub. L. 116-283, §621(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 116-283, §621(b)(1), (c), redesignated subsec. (b) as (c) and substituted "(a)(1) or (b)(2),

as applicable," for "(a)(2)" in two places, "a Reserve's earlier military service are greater" for "his earlier military service are greater", "the Reserve's earlier military service" for "his earlier military service" in two places, "the Reserve is entitled" for "he is entitled", and "the Reserve or the Reserve's dependents" for "the member or his dependents".

Subsec. (d). Pub. L. 116-283, §621(d), added subsec. (d). 1994—Pub. L. 103-337 renumbered section 684 of this title as this section.

1975—Subsecs. (a), (b). Pub. L. 93-586 inserted reference to Coast Guard.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-283, div. A, title VI, §621(e), Jan. 1, 2021, 134 Stat. 3676, provided that: "The amendments made by this section [amending this section] shall take effect 180 days after the date of the enactment of this Act [Jan. 1, 2021]."

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 12317. Reserves: theological students; limitations

A Reserve may not be required to serve on active duty, or to participate in inactive duty training, while preparing for the ministry in a recognized theological or divinity school.

(Added Pub. L. 85-861, §1(15), Sept. 2, 1958, 72 Stat. 1441, §685; renumbered §12317, Pub. L. 103-337, div. A, title XVI, §1662(e)(2), Oct. 5, 1994, 108 Stat. 2992.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
686	50:961(h) (last sentence).	Aug. 9, 1955, ch. 665, §2(g) (last sentence), 69 Stat. 599.

The words "active training and service, active duty for training" are omitted as covered by the words "active duty" as defined in section 101(22) of this title.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 685 of this title as this section.

§ 12318. Reserves on active duty: duties; funding

(a) During a period that members of a reserve component are serving on active duty pursuant to an order under section 12302 or 12304 of this title, members of reserve components serving on active duty may perform duties in connection with either such section.

(b) Funds available for the pay and allowances of Reserves referred to section 12310 of this title shall be available for the pay and allowances of such Reserves who perform duties in connection with section 12302 or 12304 of this title under the authority of subsection (a).

(Added Pub. L. 99-661, div. A, title IV, § 412(b)(1), Nov. 14, 1986, 100 Stat. 3861, § 686; renumbered § 12318 and amended Pub. L. 103-337, div. A, title XVI, §§ 1662(e)(2), 1675(c)(9), Oct. 5, 1994, 108 Stat. 2992, 3017.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-337, § 1662(e)(2), renumbered section 686 of this title as this section.

Pub. L. 103-337, § 1675(c)(9), substituted “12302 or 12304” for “673 or 673b” in subsecs. (a) and (b) and “12310” for “678” in subsec. (b).

Statutory Notes and Related Subsidiaries

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.

§ 12319. Ready Reserve: muster duty

(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered without his consent to muster duty one time each year. A member ordered to muster duty under this section shall be required to perform a minimum of two hours of muster duty on the day of muster.

(b) The period which a member may be required to devote to muster duty under this section, including round-trip travel to and from the location of that duty, may not total more than one day each calendar year.

(c) Except as specified in subsection (d), muster duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this title and the provisions of title 37 (other than section 206(a)) and title 38, including provisions relating to the determination of eligibility for and the receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors.

(d) Muster duty under this section shall not be credited in determining entitlement to, or in computing, retired pay under chapter 1223 of this title.

(Added Pub. L. 101-189, div. A, title V, § 502(a)(1), Nov. 29, 1989, 103 Stat. 1436, § 687; renumbered § 12319 and amended Pub. L. 103-337, div. A, title XVI, §§ 1662(e)(2), 1675(c)(10), Oct. 5, 1994, 108 Stat. 2992, 3018.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-337, § 1662(e)(2), renumbered section 687 of this title as this section.

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

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components who are assigned to