

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-314, div. A, title V, §515(b), Dec. 2, 2002, 116 Stat. 2540, struck out item 12551 “Prohibition of use of Air Force Reserve AGR personnel for Air Force base security functions”.
 1999—Pub. L. 106-65, div. A, title V, §578(k)(2)(C), Oct. 5, 1999, 113 Stat. 631, substituted “honors functions at funerals for veterans” for “honor guard functions: prohibition of treatment as drill or training” in item 12552.
 1998—Pub. L. 105-261, div. A, title V, §567(c)(2), Oct. 17, 1998, 112 Stat. 2031, added item 12552.
 1997—Pub. L. 105-85, div. A, title V, §515(a), Nov. 18, 1997, 111 Stat. 1732, substituted table of sections consisting of item 12551 for “[No present sections]”.

[§ 12551. Repealed. Pub. L. 107-314, div. A, title V, § 515(a), Dec. 2, 2002, 116 Stat. 2539]

Section, added Pub. L. 105-85, div. A, title V, §515(a), Nov. 18, 1997, 111 Stat. 1732, related to prohibition of use of Air Force Reserve AGR personnel for Air Force base security functions.

§ 12552. Funeral honors functions at funerals for veterans

Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491(h) of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title.

(Added Pub. L. 105-261, div. A, title V, §567(c)(1), Oct. 17, 1998, 112 Stat. 2031; amended Pub. L. 106-65, div. A, title V, §578(g)(4), Oct. 5, 1999, 113 Stat. 628; Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(21)], Oct. 30, 2000, 114 Stat. 1654, 1654A-291.)

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2000—Pub. L. 106-398 inserted period at end.

1999—Pub. L. 106-65 substituted “honors functions at funerals for veterans” for “honor guard functions: prohibition of treatment as drill or training” in section catchline and amended text generally. Prior to amendment, text read as follows: “Performance by a Reserve of honor guard functions at the funeral of a veteran may not be considered to be a period of drill or training otherwise required.”

CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

Sec. 12601. Compensation: Reserve on active duty accepting from any person.
 12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.
 12603. Attendance at inactive-duty training assemblies: commercial travel at Federal supply schedule rates.
 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.
 12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay.

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2000—Pub. L. 106-398, §1 [[div. A], title VI, §663(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-168, added item 12604.

1999—Pub. L. 106-65, div. A, title VI, §652(a)(2), Oct. 5, 1999, 113 Stat. 665, added item 12605.
 1998—Pub. L. 105-261, div. A, title VI, §635(b), Oct. 17, 1998, 112 Stat. 2045, added item 12603.

§ 12601. Compensation: Reserve on active duty accepting from any person

Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

(Added Pub. L. 103-337, div. A, title XVI, §1662(g)(1), Oct. 5, 1994, 108 Stat. 2995.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 1033 of this title, prior to repeal by Pub. L. 103-337, §1662(g)(2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries—

(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

(2) full-time National Guard duty performed by a member of the Air National Guard of the

United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force.

(Added Pub. L. 103-337, div. A, title XVI, § 1662(g)(1), Oct. 5, 1994, 108 Stat. 2995.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3686 and 8686 of this title, prior to repeal by Pub. L. 103-337, § 1662(g)(2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 12603. Attendance at inactive-duty training assemblies: commercial travel at Federal supply schedule rates

(a) FEDERAL SUPPLY SCHEDULE TRAVEL.—Commercial travel under Federal supply schedules is authorized for the travel of a Reserve to the location of inactive duty training to be performed by the Reserve and from that location upon completion of the training.

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions for travel under the authority of subsection (a) as the Secretary considers appropriate. The regulations shall include policies and procedures for preventing abuses of that travel authority.

(c) REIMBURSEMENT NOT AUTHORIZED.—A Reserve is not entitled to Government reimbursement for the cost of travel authorized under subsection (a).

(d) TREATMENT OF TRANSPORTATION AS USE BY MILITARY DEPARTMENTS.—For the purposes of section 501 of title 40, travel authorized under subsection (a) shall be treated as transportation for the use of a military department.

(Added Pub. L. 105-261, div. A, title VI, § 635(a), Oct. 17, 1998, 112 Stat. 2044; amended Pub. L. 107-217, § 3(b)(41), Aug. 21, 2002, 116 Stat. 1298.)

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2002—Subsec. (d). Pub. L. 107-217 substituted “section 501 of title 40” for “section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a))”.

§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe

regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve’s residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member’s permanent duty station.

(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve’s eligibility for billeting under subsection (a).

(c) LODGING IN KIND.—(1) In the case of a member of a reserve component performing active duty for training or inactive-duty training who is not otherwise entitled to travel and transportation allowances in connection with such duty, the Secretary concerned may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty. If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind.

(2) Any payment or other benefit under this subsection shall be provided in accordance with regulations prescribed by the Secretary concerned.

(3) The Secretary may pay service charge expenses under paragraph (1) and expenses of providing lodging in kind under such paragraph out of funds appropriated for operation and maintenance for the reserve component concerned. Use of a Government charge card is authorized for payment of these expenses.

(4) Decisions regarding the availability or adequacy of government housing at a military installation under paragraph (1) shall be made by the installation commander.

(Added Pub. L. 106-398, § 1 [[div. A], title VI, § 663(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-168; amended Pub. L. 117-81, div. A, title VI, § 603(a)(1), Dec. 27, 2021, 135 Stat. 1765.)

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2021—Subsec. (c). Pub. L. 117-81 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 106-398, § 1 [[div. A], title VI, § 663(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-168, provided that: “Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act [Oct. 30, 2000].”

§ 12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay

(a) PRESENTATION OF FLAG.—Upon the transfer from an active status or discharge of a Reserve who has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the Secretary concerned shall present a United States flag to the member.

(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for presentation

of a flag under subsection (a) if the member has previously been presented a flag under this section or any provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

(c) **NO COST TO RECIPIENT.**—The presentation of a flag under this section shall be at no cost to the recipient.

(Added Pub. L. 106-65, div. A, title VI, § 652(a)(1), Oct. 5, 1999, 113 Stat. 664.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 106-65, div. A, title VI, § 652(d), Oct. 5, 1999, 113 Stat. 665, provided that: “Section 12605 of title 10, United States Code (as added by subsection (a)), section 213 of the Public Health Service Act [42 U.S.C. 214] (as added by subsection (b)), and section 25 of the Coast and Geodetic Survey Commissioned Officers’ Act of 1948 [33 U.S.C. 853v] (as added by subsection (c)) shall apply with respect to releases from service described in those sections on or after October 1, 1999.”

CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

Sec.

- 12641. Standards and procedures: Secretary to prescribe.
- 12642. Standards and qualifications: result of failure to comply with.
- 12643. Boards for appointment, promotion, and certain other purposes: composition.
- 12644. Members physically not qualified for active duty: discharge or transfer to retired status.
- 12645. Commissioned officers: retention until completion of required service.
- 12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.
- 12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.

§ 12641. Standards and procedures: Secretary to prescribe

(a) The Secretary concerned shall, by regulation, prescribe—

(1) standards and qualifications for the retention and promotion of members of the reserve components under his jurisdiction; and

(2) equitable procedures for the periodic determination of the compliance of each such Reserve with those standards and qualifications.

(b) If a Reserve fails to comply with the standards and qualifications prescribed under subsection (a), he shall—

(1) if qualified, be transferred to an inactive reserve status;

(2) if qualified, be retired without pay; or

(3) have his appointment or enlistment terminated.

(Aug. 10, 1956, ch. 1041, 70A Stat. 79, § 1001; renumbered § 12641 and amended Pub. L. 103-337, div. A, title XVI, § 1662(h)(2), (4)(A), Oct. 5, 1994, 108 Stat. 2996.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1001(a)	10:1036c (1st sentence). 34:440k (1st sentence).	June 29, 1948, ch. 708, § 304 (less last sentence), 62 Stat. 1088.
1001(b)	10:1036c (2d sentence). 34:440k (2d sentence).	

In subsection (a), the words “As soon as may be practicable after the effective date of sections 1036-1036i [440h-440q] of this title” are omitted as executed. The words “not inconsistent with said sections or any other Act” and “appropriate” are omitted as surplusage.

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1994—Pub. L. 103-337 renumbered section 1001 of this title as this section and substituted “Standards and procedures: Secretary to prescribe” for “Secretary to prescribe” as section catchline.

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.

§ 12642. Standards and qualifications: result of failure to comply with

(a) To be retained in an active status, a reserve commissioned officer must, in any applicable yearly period, attain the number of points under section 12732(a)(2) of this title prescribed by the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, and must conform to such other standards and qualifications as the Secretary concerned may prescribe. The Secretary may not prescribe a minimum of more than 50 points under this subsection.

(b) Subject to section 12645 of this title, a reserve commissioned officer who fails to attain the number of points, or to conform to the standards and qualifications, prescribed in subsection (a) shall—

(1) be transferred to the Retired Reserve if he is qualified and applies therefor;

(2) if he is not qualified or does not apply for transfer to the Retired Reserve, be transferred to an inactive status, if he is qualified therefor; or

(3) if he is not transferred to the Retired Reserve or an inactive status, be discharged from his reserve appointment.

(c) This section does not apply to commissioned warrant officers or to adjutants general or assistant adjutants general of States, Puerto Rico, and the District of Columbia.

(Added Pub. L. 85-861, § 1(22)(A), Sept. 2, 1958, 72 Stat. 1443, § 1002; amended Pub. L. 100-456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; renumbered § 12642 and amended Pub. L. 103-337, div. A, title XVI, §§ 1662(h)(2), 1675(d)(1), Oct. 5, 1994, 108 Stat. 2996, 3018; Pub. L. 109-163, div. A, title X, § 1057(a)(2), Jan. 6, 2006, 119 Stat. 3440.)