

title XII, §1204(b)(1)(B), Aug. 13, 2018, 132 Stat. 1660, 2017.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 115(a)(2), (3) of this title, prior to repeal by Pub. L. 101-510, §1483(a).

AMENDMENTS

2018—Subsec. (b)(9). Pub. L. 115-232, §1204(b)(1)(B), substituted “sections 251, 252, 253,” for “sections 331, 332, 333,” in introductory provisions.

Subsec. (b)(10). Pub. L. 115-232, §111(a), added par. (10).

2011—Subsec. (a). Pub. L. 112-81 substituted “March 15” for “February 15”.

2008—Subsec. (b)(9). Pub. L. 110-181, §351(a), added par. (9).

Subsec. (d). Pub. L. 110-181, §1826, added subsec. (d).

1994—Pub. L. 103-337 renumbered section 115b of this title as this section and substituted “National Guard and reserve component equipment: annual report to Congress” for “Annual report on National Guard and reserve component equipment” as section catchline.

1992—Subsec. (b)(8). Pub. L. 102-484 added par. (8).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-232, div. A, title I, §111(b), Aug. 13, 2018, 132 Stat. 1660, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reports required to be submitted under section 10541 of title 10, United States Code, after the date of the enactment of this Act [Aug. 13, 2018].”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title III, §351(c)(1), Jan. 28, 2008, 122 Stat. 70, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to reports submitted after the date of the enactment of this Act [Jan. 28, 2008].”

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.

[§ 10542. Repealed. Pub. L. 114-92, div. A, title X, § 1073(c)(1), Nov. 25, 2015, 129 Stat. 996]

Section, added Pub. L. 103-160, div. A, title V, §521(a), Nov. 30, 1993, 107 Stat. 1652, §3082; renumbered §10542 and amended Pub. L. 103-337, div. A, title XVI, §1661(d)(3), Oct. 5, 1994, 108 Stat. 2982; Pub. L. 104-106, div. A, title XV, §1501(b)(8), Feb. 10, 1996, 110 Stat. 496; Pub. L. 104-201, div. A, title X, §1074(a)(21), Sept. 23, 1996, 110 Stat. 2660, related to annual report on Army National Guard combat readiness.

§ 10543. National Guard and reserve component equipment procurement and military construction funding: inclusion in future-years defense program

(a) IN GENERAL.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress under section 221 of this title the estimated expenditures and the proposed appropriations, for each fiscal year of the period covered by that program, for the procurement of equipment and for military construction for each of the reserve components of the armed forces.

(b) ASSOCIATED ANNEXES.—The associated annexes of the future-years defense program shall

specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for—

(1) procurement of each item of equipment to be procured for each reserve component; and

(2) each military construction project to be carried out for each reserve component, together with the location of the project.

(c) REPORT.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).

(2) In this subsection, the term “average authorized amount”, with respect to a fiscal year, means the average of—

(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and

(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.

(3) A report required under paragraph (1) for a fiscal year shall be submitted not later than 90 days after the date on which the President submits to Congress the budget for such fiscal year under section 1105(a) of title 31.

(Added Pub. L. 104-201, div. A, title XII, §1257(a)(1), Sept. 23, 1996, 110 Stat. 2699; amended Pub. L. 105-85, div. A, title X, §1009(a), Nov. 18, 1997, 111 Stat. 1872; Pub. L. 106-398, §1 [[div. A], title IX, §931], Oct. 30, 2000, 114 Stat. 1654, 1654A-237; Pub. L. 112-81, div. A, title X, §1064(11), Dec. 31, 2011, 125 Stat. 1587.)

Editorial Notes

AMENDMENTS

2011—Subsec. (c)(3). Pub. L. 112-81 substituted “90 days” for “15 days”.

2000—Subsec. (c)(3). Pub. L. 106-398 added par. (3).

1997—Pub. L. 105-85 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 104-201, div. A, title XII, §1257(b), Sept. 23, 1996, 110 Stat. 2699, provided that: “Section 10543 of title 10, United States Code, as added by subsection (a), shall apply with respect to each future-years defense program submitted to Congress after the date of the enactment of this Act [Sept. 23, 1996].”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of report to Con-

gress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

REQUIRED LEVEL OF DETAIL

Pub. L. 105-85, div. A, title X, §1009(b), Nov. 18, 1997, 111 Stat. 1872, provided that: “The level of detail provided for procurement and military construction in the future-years defense programs for fiscal years after fiscal year 1998 may not be less than the level of detail provided for procurement and military construction in the future-years defense program for fiscal year 1998.”

PART II—PERSONNEL GENERALLY

Chap.		Sec.
1201.	Authorized Strengths and Distribution in Grade	12001
1203.	Enlisted Members	12101
1205.	Appointment of Reserve Officers	12201
1207.	Warrant Officers	12241
1209.	Active Duty	12301
1211.	National Guard Members in Federal Service	12401
1213.	Special Appointments, Assignments, Details, and Duties	12501
1214.	Ready Reserve Mobilization Income Insurance	12521
1215.	Miscellaneous Prohibitions and Penalties	12551
1217.	Miscellaneous Rights and Benefits	12601
1219.	Standards and Procedures for Retention and Promotion	12641
1221.	Separation	12681
1223.	Retired Pay for Non-Regular Service	12731
1225.	Retired Grade	12771

Editorial Notes

AMENDMENTS

1997—Pub. L. 105-85, div. A, title V, §515(b), Nov. 18, 1997, 111 Stat. 1733, substituted “12551” for “[No present sections]” in item for chapter 1215.

1996—Pub. L. 104-106, div. A, title V, §512(a)(2), Feb. 10, 1996, 110 Stat. 305, added item for chapter 1214.

CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

Sec.	
12001.	Authorized strengths: reserve components.
12002.	Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
12003.	Authorized strengths: commissioned officers in an active status.
12004.	Strength in grade: reserve general and flag officers in an active status.
12005.	Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
12006.	Strength limitations: authority to waive in time of war or national emergency.
12007.	Reserve officers of the Army: distribution.
12008.	Army Reserve and Air Force Reserve: warrant officers.
12009.	Army and Air Force reserve components: temporary increases.
12010.	Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result.
12011.	Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.
12012.	Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, §515(b)(4)(H), Jan. 6, 2006, 119 Stat. 3235, substituted “Navy Reserve” for “Naval Reserve” in item 12010.

1999—Pub. L. 106-65, div. A, title X, §1066(a)(31), Oct. 5, 1999, 113 Stat. 772, inserted “in an” after “officers” in item 12003.

§ 12001. Authorized strengths: reserve components

(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member’s reserve grade without the member’s consent.

(Added Pub. L. 103-337, div. A, title XVI, §1662(a)(1), Oct. 5, 1994, 108 Stat. 2983.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3221, 3224, 5413, 5456, 8221, and 8224 of this title, prior to repeal by Pub. L. 103-337, §1662(a)(3).

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.

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.

NOTICE TO CONGRESS REGARDING REAPPORTIONMENT OF NATIONAL GUARD FORCE STRUCTURE

Pub. L. 118-159, div. A, title V, §515, Dec. 23, 2024, 138 Stat. 1879, provided that:

“(a) IN GENERAL.—Not later than 60 days before reapportioning the force structure of the National Guard of a State, including by converting a position into a military technician (dual status), the Chief of the National Guard Bureau, in consultation with the Secretary of the military department concerned, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice of such reapportionment.

“(b) FORM; ELEMENTS.—A notice under subsection (a)—

“(1) may be submitted in unclassified form with a classified annex; and