

2017—Subsec. (a)(2). Pub. L. 115-91, §512(a)(1), inserted “or (e)” after “subsection (b)”.

Subsec. (e). Pub. L. 115-91, §512(a)(3), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 115-91, §512(a)(2), (4), redesignated subsec. (e) as (f) and substituted “, (d), or (e)” for “or (d)”. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 115-91, §512(a)(2), redesignated subsec. (f) as (g).

2008—Subsec. (b)(2). Pub. L. 110-181, §512(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy Reserve, lieutenant.”

Subsec. (b)(3). Pub. L. 110-181, §512(b), substituted “officers covered by paragraph (2)” for “a medical or dental officer”.

2006—Subsec. (b)(2). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

1994—Pub. L. 103-337, §1662(c)(2), renumbered section 596b of this title as this section.

**Statutory Notes and Related Subsidiaries**

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.

ANNUAL REPORT

For provisions requiring submission to Congress of reports on the use of the authorities in subsec. (b)(1)(D) of this section, see section 502(c) of Pub. L. 116-283, set out as a note under section 533 of this title.

**§ 12208. Officers: appointment upon transfer**

(a) A person who would otherwise be required to be transferred to a reserve component under section 651 of this title or under the Military Selective Service Act (50 U.S.C. 3801 et seq.), is entitled, if he is qualified and accepted, to be appointed as an officer of any armed force that he chooses and to participate in the programs authorized for that armed force. However, unless the two Secretaries concerned consent, he may not be appointed as a Reserve of an armed force other than that from which he is transferred. All periods of his participation shall be credited against the total period of service required of him under section 651 of this title or under the Military Selective Service Act (50 U.S.C. 3801 et seq.). However, no period may be credited more than once.

(b) A person covered by subsection (a) shall perform the rest of his required term of service in the armed force in which he is so appointed or in any other armed force in which he is later appointed or enlisted.

(c) This section does not change any term of service under an appointment, enlistment, or agreement, including an agreement made before or at the time when the member entered upon a program authorized by an armed force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 25, §595; Pub. L. 96-513, title V, §511(17), Dec. 12, 1980, 94 Stat.

2921; renumbered §12208, Pub. L. 103-337, div. A, title XVI, §1662(c)(2), Oct. 5, 1994, 108 Stat. 2990; Pub. L. 114-328, div. A, title X, §1081(b)(1)(A)(ix), Dec. 23, 2016, 130 Stat. 2418.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
595(a) .....	50:929(a) (less 2d sentence, less applicability to enlistments).	July 9, 1952, ch. 608, §209 (less applicability to enlistments), 66 Stat. 484.
595(b) .....	50:929(a) (2d sentence, and less applicability to enlistments).	
595(c) .....	50:929(b) (less applicability to enlistments).	

In subsection (a), the words “is entitled \* \* \* to be appointed as an officer of any armed force that he chooses” are substituted for the words “shall be permitted to \* \* \* accept an appointment in such armed force of the United States as he may elect”. The last sentence is substituted for 50:929(a) (words within parentheses). The words “of an armed force of the United States” are omitted as surplusage.

In subsection (b), the word “rest” is substituted for the words “remaining period”. The words “be required to” are omitted as surplusage.

In subsection (c), the words “This section does not” are substituted for the words “Nothing in this section shall be construed”. The word “change” is substituted for the words “reduce, limit, or modify”. The words “which any person may undertake to perform” are omitted as surplusage.

**Editorial Notes**

REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (a), is title I of act June 24, 1948, ch. 625, 62 Stat. 604, which is classified principally to chapter 49 (§3801 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see References in Text note set out under section 3801 of Title 50 and Tables.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-328 substituted “(50 U.S.C. 3801 et seq.)” for “(50 U.S.C. App. 451 et seq.)” in two places.

1994—Pub. L. 103-337 renumbered section 595 of this title as this section.

1980—Subsec. (a). Pub. L. 96-513 substituted “the Military Selective Service Act (50 U.S.C. App. 451 et seq.)” for “sections 451-473 of title 50, appendix” wherever appearing.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

**§ 12209. Officer candidates: enlisted Reserves**

(a) Within such numbers as the Secretary concerned may prescribe, enlisted Reserves may, with their consent, be selected for training as officer candidates. Enlisted Reserves so selected shall be designated as officer candidates during that training. However, no member of the Army National Guard of the United States or the Air National Guard of the United States may be so selected or designated unless—

- (1) he is on active duty; or
- (2) the governor or other appropriate authority of the jurisdiction concerned consents.

(b) The enlistment or term of service of a Reserve who is designated as an officer candidate under this section is extended to include any period, beyond its normal expiration date, during which he is an officer candidate.

(c) While he is on active duty, other than active duty for training without pay, or performing authorized travel to and from that duty, an officer candidate designated under this section is entitled to the pay and allowances of his enlisted grade, but not less than those prescribed for pay grade E-2.

(d) An officer candidate designated under this section may not participate in the program of a reserve officer training corps of any armed force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 26, § 600; renumbered § 12209, Pub. L. 103-337, div. A, title XVI, § 1662(c)(3), Oct. 5, 1994, 108 Stat. 2990; Pub. L. 104-106, div. A, title XV, § 1501(b)(12)(A), Feb. 10, 1996, 110 Stat. 496.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
600(a) .....	50:935(a).	July 9, 1952, ch. 608,
600(b) .....	50:954(a).	§§ 215(a), 230, 242, 66
600(c) .....	50:973.	Stat. 486, 489, 492.
600(d) .....	50:954(b).	

In subsection (a), the words “who is not in active Federal service” are substituted for the words “when not in the active military service of the United States”. The word “during” is substituted for the words “for the period of”.

In subsection (c), the words “active duty other than active duty for training without pay” are substituted for the words “active duty or active duty for training with pay”. The words “enlisted members of the reserve components designated as”, “enlisted”, and “under the Career Compensation Act of 1949, as amended” are omitted as surplusage.

#### Editorial Notes

##### AMENDMENTS

1996—Pub. L. 104-106 substituted “candidates: enlisted Reserves” for “candidates” in section catchline.

1994—Pub. L. 103-337 renumbered section 600 of this title as this section.

#### 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.

#### § 12210. Attending Physician to the Congress: reserve grade

While serving as Attending Physician to the Congress, a Reserve holds the reserve grade of major general or rear admiral, as appropriate.

(Added Pub. L. 99-661, div. A, title V, § 508(d)(1)(A), Nov. 14, 1986, 100 Stat. 3867, § 600a; renumbered § 12210, Pub. L. 103-337, div. A, title XVI, § 1662(c)(3), Oct. 5, 1994, 108 Stat. 2990; amended Pub. L. 104-106, div. A, title XV, § 1501(b)(12)(B), Feb. 10, 1996, 110 Stat. 496; Pub. L. 109-364, div. A, title V, § 507(a)(2)(A), (B), Oct. 17, 2006, 120 Stat. 2180.)

#### Editorial Notes

##### AMENDMENTS

2006—Pub. L. 109-364 struck out “while so serving” after “reserve grade” in section catchline and substituted “holds the reserve grade of major general or rear admiral, as appropriate” for “who holds a reserve grade lower than major general or rear admiral shall hold the reserve grade of major general or rear admiral, as appropriate, if appointed to that grade by the President, by and with the advice and consent of the Senate” in text.

1996—Pub. L. 104-106 substituted “Congress: reserve grade while so serving” for “Congress” in section catchline.

1994—Pub. L. 103-337 renumbered section 600a of this title as this section.

#### 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

Pub. L. 99-661, div. A, title V, § 508(f), Nov. 14, 1986, 100 Stat. 3868, provided that: “The amendments made by this section [enacting this section and amending sections 1374, 4335, 5149, and 9335 of this title] shall apply only with respect to appointments or details made on or after the date of the enactment of this Act [Nov. 14, 1986].”

#### § 12211. Officers: Army National Guard of the United States

(a) Upon being federally recognized, an officer of the Army National Guard shall be appointed as a Reserve for service as a member of the Army National Guard of the United States in the grade that he holds in the Army National Guard. However, an officer of the Army Reserve who is federally recognized as an officer of the Army National Guard becomes an officer of the Army National Guard of the United States and ceases to be an officer of the Army Reserve. The acceptance of an appointment as a Reserve for service as a member of the Army National Guard of the United States by an officer of the Army National Guard does not vacate his office in the Army National Guard.

(b) When an officer of the Army National Guard to whom temporary Federal recognition has been extended is appointed as a Reserve for service as a member of the Army National Guard of the United States, his appointment shall bear the date of the temporary recognition and shall be considered to have been accepted and effective on that date.

(c) When the Army National Guard of the United States is ordered to active duty, any officer of the Army National Guard who is not a Reserve of the Army may be appointed by the President as a Reserve for service as a member of the Army National Guard of the United States in the grade that he holds in the Army National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 193, § 3351; renumbered § 12211, Pub. L. 103-337, div. A, title XVI, § 1662(c)(3), Oct. 5, 1994, 108 Stat. 2990; Pub. L. 104-106, div. A, title XV, § 1501(b)(13)(A), Feb. 10, 1996, 110 Stat. 496.)