

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”.

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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 pre-

scribed 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 duty with a unit of the Reserve Officer Training Corps program may not exceed 275.

(Added Pub. L. 101-510, div. A, title V, § 559(a)(1), Nov. 5, 1990, 104 Stat. 1571, § 687; renumbered § 690 and amended Pub. L. 102-25, title VII, § 704(a)(3)(A), (B), Apr. 6, 1991, 105 Stat. 118; Pub. L. 102-190, div. A, title X, § 1061(a)(4)(A), Dec. 5, 1991, 105 Stat. 1472; Pub. L. 102-484, div. A, title V, § 512, Oct. 23, 1992, 106 Stat. 2405; Pub. L. 103-160, div. A, title V, § 512, Nov. 30, 1993, 107 Stat. 1649; renumbered § 12321 and amended Pub. L. 103-337, div. A, title XVI, § 1662(e)(2), (3), Oct. 5, 1994, 108 Stat. 2992.)