

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 690 of this title as this section and substituted “Reserve Officer Training Corps units: limitation on number of Reserves assigned” for “Limitation on duty with Reserve Officer Training Corps units” as section catchline.

1993—Pub. L. 103-160 substituted “may not exceed 275” for “may not exceed 200”.

1992—Pub. L. 102-484 substituted “The number of members of the reserve components” for “A member of a reserve component”, “who are assigned” for “may not be assigned”, and “may not exceed 200.” for period at end.

1991—Pub. L. 102-190 substituted “Corps” for “Corp” in section catchline.

Pub. L. 102-25, § 704(a)(3)(B), renumbered section 687 of this title as this section.

Pub. L. 102-25, § 704(a)(3)(A), made technical correction to directory language of Pub. L. 101-510, § 559(a)(1), which enacted this section.

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.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-25, title VII, § 704(e), Apr. 6, 1991, 105 Stat. 120, provided that: “The amendments made by this section [amending this section and sections 6686 and 7381b of Title 42, The Public Health and Welfare, and amending provisions set out as notes under this section, sections 1701, 1705, 1721, 1724, 1733, 2302, 2306a, 2432, and 3074 of this title, and section 1928 of Title 22, Foreign Relations and Intercourse] shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).”

EFFECTIVE DATE

Pub. L. 101-510, div. A, title V, § 559(b), Nov. 5, 1990, 104 Stat. 1571, as amended by Pub. L. 102-25, title VII, § 704(a)(3)(C), Apr. 6, 1991, 105 Stat. 118, provided that: “Section 690 [now 12321] of title 10, United States Code, as added by subsection (a), shall take effect on September 30, 1991.”

WAIVER OF PROHIBITION ON CERTAIN RESERVE SERVICE WITH ROTC PROGRAM

Pub. L. 102-190, div. A, title V, § 525, Dec. 5, 1991, 105 Stat. 1363, as amended by Pub. L. 104-106, div. A, title XV, § 1501(d)(2), Feb. 10, 1996, 110 Stat. 500, permitted the Secretary of the military department concerned to waive the prohibition in this section in the case of a member of a reserve component of the Armed Forces who is serving with the Reserve Officer Training Corps program on Sept. 30, 1991, if the removal of the member from that assignment would cause a financial hardship for that member.

§ 12322. Active duty for health care

A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in any of such paragraphs.

(Added Pub. L. 106-65, div. A, title VII, § 705(a)(1), Oct. 5, 1999, 113 Stat. 683.)

§ 12323. Active duty pending line of duty determination required for response to sexual assault

(a) **CONTINUATION ON ACTIVE DUTY.**—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination is made regarding whether the member was assaulted while in the line of duty (in this section referred to as a “line of duty determination”), the Secretary concerned, upon the request of the member, may order the member to be retained on active duty until completion of the line of duty determination. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

(b) **RETURN TO ACTIVE DUTY.**—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the line of duty determination is not completed, the Secretary concerned, upon the request of the member, may order the member to active duty for such time as necessary for completion of the line of duty determination.

(c) **REGULATIONS.**—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that—

(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

(2) if the request is denied, the member may appeal to the first general officer or flag officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.

(Added Pub. L. 112-239, div. A, title V, § 571(a), Jan. 2, 2013, 126 Stat. 1753.)

CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

Sec.

12401.	Army and Air National Guard of the United States: status.
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