

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

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

#### Editorial Notes

##### AMENDMENTS

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.)