

are omitted as surplusage. The words “execute and” are inserted for clarity.

In subsection (c), the words “under his jurisdiction” are inserted for clarity.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-337, §1662(h)(2), (4)(B), renumbered section 1004 of this title as this section and substituted “Members physically not qualified for active duty: discharge or transfer to retired status” for “Physical examination” as section catchline.

Pub. L. 103-337, §1661(a)(4), struck out “(c)” before “Except as otherwise provided” and struck out subssecs. (a) and (b) which read as follows:

“(a) Each member of the Ready Reserve who is not on active duty shall—

“(1) be examined as to his physical fitness every five years, or more often as the Secretary concerned considers necessary; and

“(2) execute and submit annually a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually a certificate of physical condition.

“(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.”

1993—Subsec. (a)(1). Pub. L. 103-160 substituted “five years” for “four years”.

1960—Subsec. (a). Pub. L. 86-603 limited the requirement for a physical examination every four years, and for the annual execution of a certificate of physical condition, to the Ready Reserve, and also required each Reserve in an active status, or on an inactive status list, who is not on active duty to execute and submit annually a certificate of physical condition.

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.

§ 12645. Commissioned officers: retention until completion of required service

(a) Except as provided in subsection (b), a reserve commissioned officer who has not completed the period of service required of him by section 651 of this title or any other provision of law may not be discharged or transferred from an active status under chapter 843, 1407, 1409, or 1411 of this title or chapter 21¹ of title 14. Unless, under regulations prescribed by the Secretary concerned, he is promoted to a higher reserve grade, he shall be retained in an active status in his reserve grade for the rest of his period of required service and shall be an additional number to the authorized strength of his grade.

(b) Subsection (a) does not prevent the discharge or transfer from an active status of—

(1) a commissioned warrant officer;

(2) an officer on the active-duty list or a reserve active-status list who is found not qualified for promotion to the grade of first lieutenant, in the case of an officer of the Army, Air Force, or Marine Corps, or lieutenant (junior grade), in the case of an officer of the Navy;

(3) an officer on the active-duty list or reserve active-status list who has failed of selec-

tion for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

(4) an officer whose discharge or transfer from an active status is required by law.

(Added Pub. L. 85-861, §1(22)(B), Sept. 2, 1958, 72 Stat. 1444, §1005; amended Pub. L. 93-586, §2, Jan. 2, 1975, 88 Stat. 1920; Pub. L. 98-525, title V, §528(a), Oct. 19, 1984, 98 Stat. 2525; renumbered §12645 and amended Pub. L. 103-337, div. A, title XVI, §§1627, 1662(h)(2), 1675(d)(2), Oct. 5, 1994, 108 Stat. 2962, 2996, 3018; Pub. L. 104-106, div. A, title XV, §1501(a)(4), Feb. 10, 1996, 110 Stat. 495; Pub. L. 104-201, div. A, title V, §544(b), Sept. 23, 1996, 110 Stat. 2523; Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1005	50:1181(1) (as applicable to 50:1194). 50:1194.	Sept. 3, 1954, ch. 1257, §§102(1) (as applicable to §204), 204, 68 Stat. 1149, 1151.

The word “subsequently” is omitted as surplusage.

Editorial Notes

REFERENCES IN TEXT

Chapter 21 of title 14, referred to in text, was comprised of sections 701 to 713 and 720 to 746, prior to the renumbering of such sections as sections 3701 to 3714 and 3731 to 3757, respectively, of title 14 by Pub. L. 115-282, title I, §118(b), Dec. 4, 2018, 132 Stat. 4233. After renumbering, such sections now comprise chapter 37 (designated as chapter “1” in chapter analysis) of title 14.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-232 substituted “under chapter 843.” for “under chapter 573.”.

1996—Subsec. (b)(2). Pub. L. 104-201 inserted “or a reserve active-status list” after “active-duty list”.

Subsec. (b)(3), (4). Pub. L. 104-106 made technical correction to directory language of Pub. L. 103-337, §1627. See 1994 Amendment note below.

1994—Pub. L. 103-337, §1662(h)(2), renumbered section 1005 of this title as this section.

Subsec. (a). Pub. L. 103-337, §1675(d)(2), substituted “573, 1407, 1409, or 1411” for “337, 361, 363, 573, 837, 861, or 863”.

Subsec. (b)(3), (4). Pub. L. 103-337, §1627, as amended by Pub. L. 104-106, added pars. (3) and (4).

1984—Pub. L. 98-525 substituted “(a) Except as provided in subsection (b), a reserve commissioned officer” for “A reserve commissioned officer, other than a commissioned warrant officer,” struck out the comma before “may”, and added subsec. (b).

1975—Pub. L. 93-586 inserted reference to chapter 21 of title 14.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title

¹ See References in Text note below.

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 1627 and 1675(d)(2) of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

§ 12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service

(a) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 18, but less than 19, years of service computed under section 12732 of this title, he may not be discharged or transferred from an active status under chapter 843, 1407, or 1409 of this title or chapter 21¹ of title 14, without his consent before the earlier of the following dates—

(1) the date on which he is entitled to be credited with 20 years of service computed under section 12732 of this title; or

(2) the third anniversary of the date on which he would otherwise be discharged or transferred from an active status.

(b) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 19, but less than 20, years of service computed under section 12732 of this title, he may not be discharged or transferred from an active status under chapter 843, 1407, or 1409 of this title or chapter 21¹ of title 14, without his consent before the earlier of the following dates—

(1) the date on which he is entitled to be credited with 20 years of service computed under section 12732 of this title; or

(2) the second anniversary of the date on which he would otherwise be discharged or transferred from an active status.

(c) An officer who is retained in an active status under subsection (a) or (b) is an additional number to those otherwise authorized.

(d) Subsections (a) and (b) do not apply to—

(1) officers who are discharged or transferred from an active status for physical disability, for cause, or because they have reached the age at which transfer from an active status or discharge is required by law; or

(2) commissioned warrant officers.

(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 8373, 14513, or 14514 of this title or section 740¹ of title 14, is within two years of qualifying for retirement under section 7311, 8323, or 9311 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

¹ See References in Text note below.

(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—

(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 7311, 8323, or 9311 of this title; and

(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty.

(Added Pub. L. 85-861, §1(22)(B), Sept. 2, 1958, 72 Stat. 1444, §1006; amended Pub. L. 86-559, §1(3)(A), June 30, 1960, 74 Stat. 264; Pub. L. 87-651, title I, §105, Sept. 7, 1962, 76 Stat. 508; Pub. L. 90-130, §1(4), Nov. 8, 1967, 81 Stat. 374; Pub. L. 93-586, §3, Jan. 2, 1975, 88 Stat. 1920; Pub. L. 96-322, §2, Aug. 4, 1980, 94 Stat. 1015; Pub. L. 96-513, title V, §511(30), Dec. 12, 1980, 94 Stat. 2922; renumbered §12646 and amended Pub. L. 103-337, div. A, title XVI, §§1662(h)(2), 1675(d)(3), Oct. 5, 1994, 108 Stat. 2996, 3018; Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840.)

HISTORICAL AND REVISION NOTES
1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1006(a)	50:1195(a) (less last 30 words).	Sept. 3, 1954, ch. 1257, §§102(l) (as applicable to §205), 205, 307(c), 503(c), 68 Stat. 1149, 1151, 1155, 1173; June 30, 1955, ch. 247, §1(b), 69 Stat. 218.
1006(b)	50:1195(b) (less last 30 words).	
1006(c)	50:1227(c). 50:1333(c).	
1006(d)	50:1181(1) (as applicable to 50:1195). 50:1195(a) (last 30 words). 50:1195(b) (last 30 words). 50:1195(c).	
1006(e)		

In subsections (a) and (b), the words “Notwithstanding any other provisions of this chapter, except as provided in sections 1265 and 1279 of this title” and “has been credited with, or” are omitted as surplusage. The words “entitled to be” in clause (1) are inserted for clarity.

In subsection (e), the words “at the end of that period” are substituted for the word “then” for clarity. The words “before the end of that period” are substituted for the word “earlier” for clarity.

1962 ACT

The change reflects the repeal of section 611 of the Reserve Officer Personnel Act of 1954, ch. 1257 (68 Stat. 1186), formerly section 1391 of title 50, and its restatement in section 787 of title 14 (see sections 5(2) and 36A of the Act of September 2, 1958, Pub. L. 85-861 (72 Stat. 1547 and 1569)).

Editorial Notes

REFERENCES IN TEXT

Chapter 21 of title 14, referred to in subsecs. (a) and (b), was comprised of sections 701 to 713 and 720 to 746 prior to the renumbering of such sections as sections 3701 to 3714 and 3731 to 3757, respectively, of title 14 by Pub. L. 115-282, title I, §118(b), Dec. 4, 2018, 132 Stat. 4233. After renumbering, such sections now comprise chapter 37 (designated as chapter “1” in chapter analysis) of title 14.

Section 740 of title 14, referred to in subsec. (e)(1), was redesignated section 3751 of title 14 by Pub. L. 115-282,