

of the Selected Reserve for a period of two years beginning on the later of—

“(1) the date on which that person ceases to be a member of the Selected Reserve; or

“(2) the date of the enactment of this Act [Oct. 23, 1992].

“SEC. 4421. APPLICABILITY AND TERMINATION OF BENEFITS.

“(a) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may limit the applicability of a benefit provided under sections 4418 through 4420 to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

“(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a).

“(b) INAPPLICABILITY TO CERTAIN SEPARATIONS AND REASSIGNMENTS.—Sections 4418 through 4420 do not apply with respect to personnel who cease to be members of the Selected Reserve under adverse conditions, as characterized by the Secretary of the military department concerned.

“(c) TERMINATION OF BENEFITS.—The eligibility of a member of a reserve component of the Armed Forces (after having involuntarily ceased to be a member of the Selected Reserve) to receive benefits and privileges under sections 4418 through 4420 terminates upon the involuntary separation of such member from the Armed Forces under adverse conditions, as characterized by the Secretary of the military department concerned.

“SEC. 4422. READJUSTMENT BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS OF THE RESERVE COMPONENTS.

“(a) SPECIAL SEPARATION BENEFITS.—[Amended section 1174a of this title.]

“(b) VOLUNTARY SEPARATION INCENTIVE.—[Amended section 1175 of this title.]”

[Section 518(c) of Pub. L. 103-337 provided that: “The amendments made by this section [amending section 4416 of Pub. L. 102-484, set out above] shall apply only to payments to a member of the Armed Forces under subsection (b) of section 4416 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484) that are granted by the Secretary of Defense to that member after the date of the enactment of this Act [Oct. 5, 1994].”]

§ 12682. Reserves: discharge upon becoming ordained minister of religion

Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

(Added Pub. L. 103-337, div. A, title XVI, § 1662(i)(1), Oct. 5, 1994, 108 Stat. 2997.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 1162(b) of this title, prior to repeal by Pub. L. 103-337, § 1662(i)(2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 12683. Reserve officers: limitation on involuntary separation

(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except—

(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

(2) by the approved sentence of a court-martial.

(b) Subsection (a) does not apply to any of the following:

(1) A separation under section 12684, 14901, or 14907 of this title.

(2) A dismissal under section 1161(a) of this title.

(3) A transfer under section 12213, 12214, 14514, or 14515 of this title.

(4) A separation of an officer who is in an inactive status in the Standby Reserve and who is not qualified for transfer to the Retired Reserve or is qualified for transfer to the Retired Reserve and does not apply for such a transfer.

(Added Pub. L. 103-337, div. A, title XVI, § 1662(i)(1), Oct. 5, 1994, 108 Stat. 2997; amended Pub. L. 105-85, div. A, title V, § 516, Nov. 18, 1997, 111 Stat. 1733; Pub. L. 105-261, div. A, title X, § 1069(a)(8), Oct. 17, 1998, 112 Stat. 2136.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 1163(a) of this title, prior to repeal by Pub. L. 103-337, § 1662(i)(2).

AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-261 substituted a period for “; or” at end.

1997—Subsec. (b). Pub. L. 105-85, § 516(a)(1), substituted “apply to any of the following:” for “apply—” in introductory provisions.

Subsec. (b)(1). Pub. L. 105-85, § 516(b)(1), (2), substituted “A” for “to a” and “title.” for “title;”.

Subsec. (b)(2). Pub. L. 105-85, § 516(b)(3), which directed substitution of a period for “; and” at end of par. (2), could not be executed because “; and” did not appear in par. (2).

Pub. L. 105-85, § 516(b)(1), substituted “A” for “to a”.

Subsec. (b)(3). Pub. L. 105-85, § 516(b)(1), substituted “A” for “to a”.

Subsec. (b)(4). Pub. L. 105-85, § 516(a)(2), added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

§ 12684. Reserves: separation for absence without authority or sentence to imprisonment

The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

(1) who has been absent without authority for at least three months;

(2) who may be separated under section 12687 of this title by reason of a sentence to confinement adjudged by a court-martial; or

(3) who is sentenced to confinement in a Federal or State penitentiary or correctional