

103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SUBCHAPTER II—PERSONNEL

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282, title I, § 118(c)(2), Dec. 4, 2018, 132 Stat. 4236, inserted subchapter II designation and heading.

§ 3731. Definitions

As used in this subchapter—

(1) “Reserve officer” means a commissioned officer in the Reserve, except an officer excluded by section 3732 of this title or a commissioned warrant officer; and

(2) “discharged” means released from an appointment as a Reserve officer.

(Added Pub. L. 96–322, § 1, Aug. 4, 1980, 94 Stat. 1007, § 720; renumbered § 3731 and amended Pub. L. 115–282, title I, §§ 118(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4233, 4240.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 770 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96–322.

AMENDMENTS

2018—Pub. L. 115–282, § 118(b), renumbered section 720 of this title as this section.

Par. (1). Pub. L. 115–282, § 123(b)(2), substituted “section 3732” for “section 721”.

§ 3732. Applicability of this subchapter

This subchapter applies only to the Reserve; except that it does not apply to a temporary member of the Reserve.

(Added Pub. L. 96–322, § 1, Aug. 4, 1980, 94 Stat. 1007, § 721; renumbered § 3732, Pub. L. 115–282, title I, § 118(b), Dec. 4, 2018, 132 Stat. 4233.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 771 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96–322.

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 721 of this title as this section.

§ 3733. Suspension of this subchapter in time of war or national emergency

In time of war or national emergency declared by Congress, the President may suspend the operation of this subchapter or any part hereof. If this subchapter or any part hereof is suspended by the President, prior to placing the suspended provision in operation, the President shall by regulation, in so far as practicable, adjust the grades of Reserve officers in the same manner as adjustments in grade are made for Regular officers.

(Added Pub. L. 96–322, § 1, Aug. 4, 1980, 94 Stat. 1007, § 722; renumbered § 3733, Pub. L. 115–282, title I, § 118(b), Dec. 4, 2018, 132 Stat. 4233.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 778 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96–322.

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 722 of this title as this section.

Executive Documents

DELEGATION OF AUTHORITY

Authority of President under this section as invoked by section 2 of Ex. Ord. No. 13223, Sept. 14, 2001, 66 F.R. 48201, as amended, delegated to Secretary of Homeland Security by section 5 of Ex. Ord. No. 13223, set out as a note under section 12302 of Title 10, Armed Forces.

§ 3734. Effect of this subchapter on retirement and retired pay

Except as provided in subsection 3757(b)¹ of this title, nothing in this subchapter authorizes the retirement of a Reserve officer or the payment of retired, retainer, or severance pay to a Reserve officer; or affects in any manner the law relating to the retirement of, or the granting of retired or retainer pay or other benefits to a Reserve officer.

(Added Pub. L. 96–322, § 1, Aug. 4, 1980, 94 Stat. 1007, § 723; renumbered § 3734 and amended Pub. L. 115–282, title I, §§ 118(b), 123(b)(2), Dec. 4, 2018, 132 Stat. 4233, 4240.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 795 of this title prior to the complete revision of former chapter 21 of this title by Pub. L. 96–322.

AMENDMENTS

2018—Pub. L. 115–282, § 123(b)(2), substituted “subsection 3757(b)” for “subsection 746(b)”.

Pub. L. 115–282, § 118(b), renumbered section 723 of this title as this section.

§ 3735. Authorized number of officers

(a) The authorized number of officers in the Reserve in an active status is 5,000. Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve. The actual number of Reserve officers in an active status at any time shall not exceed the authorized number unless the Secretary determines that a greater number is necessary for planned mobilization requirements, or unless the excess results directly from the operation of law.

(b)(1) The Secretary shall make, at least once each year, a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The num-

¹ So in original. Probably should be “section 3757(b)”.