

bers and part-time advisers may serve without compensation or may be paid not more than \$50 for each day of service, as the Secretary determines. (As amended Nov. 2, 1966, Pub. L. 89-718, § 2, 80 Stat. 1115.)

AMENDMENTS

1966—Subsec. (c). Pub. L. 89-718 repealed subsec. (c) which provided that sections 281, 283, and 284 of title 18 did not apply to a person because of his service on a committee or as a part-time advisor under subsec. (a) of this section unless the unlawful act related to a matter directly involving a department or agency which he was advising or to a matter in which that department or agency was directly interested.

§ 175. Reserve Forces Policy Board.

(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board consisting of—

* * * * *

(2) the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs;

* * * * *

(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate an officer of the Regular Coast Guard or the Coast Guard Reserve to serve as a voting member of the Board.

(c) The Board, acting through the Assistant Secretary of Defense for Manpower and Reserve Affairs is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

(d) This section does not affect the committees on reserve policies prescribed by section 3033, 5251, 5252, or 8033 of this title.

(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board. (As amended Dec. 1, 1967, Pub. L. 90-168, § 2 (3), (4), 81 Stat. 521.)

AMENDMENTS

1967—Subsec. (a)(2). Pub. L. 90-168, § 2(3), substituted “the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs” for “the Secretary, the Under Secretary, or an Assistant Secretary designated under section 264(b) of this title, or each of the military departments.”

Subsec. (b). Pub. L. 90-168, § 2(4), substituted “Secretary of Transportation” for “Secretary of the Treasury” as the Secretary empowered to designate officers to serve on the Board and substituted “serve as a voting member” for “serve without vote as a member” in the description of the officer’s service on the Board.

Subsec. (c). Pub. L. 90-168, § 2(4), substituted “Assistant Secretary of Defense for Manpower and Reserve Affairs” for “Assistant Secretary of Defense designated under section 264(a) of this title.”

Subsec. (d). Pub. L. 90-168, § 2(4), added references to sections 5251 and 5252 of this title.

Subsec. (e). Pub. L. 90-168, § 2(4), substituted “member of a committee or board prescribed under a section

listed in subsection (d)” for “member of a committee under section 3033 or 8033 of this title”.

Subsec. (f). Pub. L. 90-168, § 2(4), added subsec. (f).

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on the first day of the first calendar month following the date of enactment of Pub. L. 90-168, which was approved on Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 136 of this title.

Chapter 11.—RESERVE COMPONENTS

Sec.

264. Reserve affairs: designation of general or flag officers of each military department; personnel and logistic support for reserves; reports to Congress.

AMENDMENTS

1967—Pub. L. 90-168, § 2(7), Dec. 1, 1967, 81 Stat. 522, substituted “designation of general or flag officers of each military department; personnel and logistic support for reserves; reports to Congress” for “responsibility for” in item 264.

§ 261. Reserve components named.

AVERAGE STRENGTH OF SELECTED RESERVE OF EACH RESERVE COMPONENT FOR FISCAL YEAR ENDING JUNE 30, 1969

Pub. L. 90-500, title III, §§ 301, 302, Sept. 20, 1968, 82 Stat. 850, provided that:

“Sec. 301. For the fiscal year beginning July 1, 1968, and ending June 30, 1969, the Selected Reserve of each reserve component of the Armed Forces will be programmed to attain an average strength of not less than the following:

- “(1) The Army National Guard of the United States, 400,000.
- “(2) The Army Reserve, 200,000.
- “(3) The Naval Reserve, 128,407.
- “(4) The Marine Corps Reserve, 47,204.
- “(5) The Air National Guard of the United States, 77,371.
- “(6) The Air Force Reserve, 45,526.
- “(7) The Coast Guard Reserve, 17,700.

“Sec. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such components which are on active duty (other than for training) at any time during the fiscal year, not including those units ordered to active duty in January 1968, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units, including those units ordered to active duty in January 1968, or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.”

§ 262. Purpose.

The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency and at such other times as the national security requires, to fill the needs of the armed forces whenever, during, and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components. (As amended Dec. 1, 1967, Pub. L. 90-168, § 2(5), 81 Stat. 521.)

AMENDMENTS

1967—Pub. L. 90-168 substituted “each reserve component” for “the reserve components”.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on the first day of the first calendar month following the date of enactment of Pub. L. 90-168, which was approved on Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 136 of this title.

§ 263. Basic policy for order into Federal service.

PRESIDENTIAL AUTHORIZATION TO ORDER READY RESERVE TO ACTIVE DUTY

Pub. L. 89-687, title I, § 101, Oct. 15, 1966, 80 Stat. 981, as amended by Pub. L. 90-500, title III, § 303, Sept. 20, 1968, 82 Stat. 850, provided that:

"(a) Notwithstanding any other provision of law, until June 30, 1968, the President may order to active duty any member of the Ready Reserve of an armed force who—

"(1) is not assigned to, or participating satisfactorily in, a unit in the Selected Reserve, and

"(2) has not fulfilled his statutory reserve obligation, and

"(3) has not served on active duty or active duty for training for a total of twenty-four months.

"(b) Notwithstanding the provisions of any other law, until June 30, 1968, the President may order to active duty any member of the Ready Reserve of an armed force who had become a member of a reserve component prior to July 1, 1966; and who

"(1) has not served on active duty or active duty for training for a period of one hundred and twenty days or more, and

"(2) has not fulfilled his statutory reserve military obligation.

"(c) A member ordered to active duty under this section may be required to serve on active duty until his total service on active duty or active duty for training equals twenty-four months. If the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under subsection (a) or (b) of this section would expire before he has served the required period of active duty prescribed herein, his enlistment or period of military service may be extended until that service on active duty has been completed.

"(d) In order to achieve fair treatment as between members in the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

"(1) family responsibilities; and

"(2) employment necessary to maintain the national health, safety, or interest.

"(e) Notwithstanding any other provision of law, until June 30, 1969, the President may, when he deems it necessary, order to active duty any unit of the Ready Reserve of an armed force for a period of not to exceed twenty-four months."

EXECUTIVE ORDER No. 11327

Ex. Ord. No. 11327, Feb. 15, 1967, 32 F.R. 2005, which authorized ordering Ready Reserve to active duty, was superseded by Ex. Ord. No. 11366, Aug. 4, 1967, 32 F.R. 11411, set out as a note under section 673a of this title.

ORDERING READY RESERVE TO ACTIVE DUTY DURING NATIONAL EMERGENCIES

For additional provisions authorizing ordering of Ready Reserve to active duty during national emergencies, see section 673a of this title and notes thereunder.

§ 264. Reserve affairs: designation of general or flag officer of each military department; personnel and logistic support for reserves; reports to Congress.

(a) The Secretary concerned may designate a general or flag officer of the armed force under his jurisdiction to be directly responsible for reserve affairs to the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, as the case may be. This subsection does not affect the functions of

the Chief of the National Guard Bureau, the Chief, Office of Army Reserve, or the Chief, Office of Air Force Reserve.

(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the Reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

(c) The Secretary concerned shall submit a written report to the Committees on Armed Services of the Senate and the House of Representatives each year regarding the extent to which units and Reserves in the Ready Reserve of the Reserve components under his jurisdiction have satisfied the training and mobilization readiness requirements pursuant to subsection (b) of this section for the year with respect to which such report was submitted. Reports under this subsection shall be made on a fiscal year basis and the report for any fiscal year shall be submitted within 60 days after the end of the fiscal year for which it is submitted. (As amended Dec. 8, 1967, Pub. L. 90-168, § 2(6), 81 Stat. 521.)

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-168 redesignated former subsec. (c) as subsec. (a) and, in subsec. (a) as so redesignated, substituted "may designate" for "shall designate" and added Chief, Office of Army Reserve, and Chief, Office of Air Force Reserve, to the enumeration of offices the functions of which were not affected by this subsection. Former subsec. (a), directing the Secretary of Defense to designate an Assistant Secretary of Defense to have, in addition to his other duties, principal responsibility for reserve affairs of the Department of Defense, was eliminated.

Subsec. (b). Pub. L. 90-168 added subsec. (b). Former subsec. (b), placing upon the Secretary or, as he might prescribe, the Under Secretary or an Assistant Secretary of his department, the principal responsibility for supervising the activities of the reserve components under that department, was eliminated.

Subsec. (c). Pub. L. 90-168 added subsec. (c). Former subsec. (c) redesignated as subsec. (a) and amended.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on the first day of the first calendar month following the date of enactment of Pub. L. 90-168, which was approved on Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 136 of Title 10, Armed Forces.

§ 268. Ready Reserve.

(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 672 and 673 of this title. The authorized strength of the Ready Reserve is 2,900,000.

(b) Within the Ready Reserve of each of the Reserve components defined in section 261 of this title, there is a Selected Reserve, consisting of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 270(a)(1) of this title or section 502(a) of title 32, United States Code, as appropriate.

(c) The organization and unit structure of the Selected Reserve shall be approved—

(1) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard, and

(2) in the case of all other Reserve components, by the Secretary of Defense based upon recommendations from the military departments as approved by the Joint Chiefs of Staff in accordance with contingency and war plans.

(As amended Dec. 1, 1967, Pub. L. 90-168, § 2 (8), 81 Stat. 522.)

AMENDMENTS

1967—Pub. L. 90-168 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on the first day of the first calendar month following the date of enactment of Pub. L. 90-168, which was approved on Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 136 of this title.

§ 269. Ready Reserve: placement in; transfer from.

(e) Except in time of war or of national emergency declared by Congress, a Reserve who is not on active duty, or who is on active duty for training, shall, upon his request, be transferred to the Standby Reserve for the rest of his term of service, if—

(1) he served on active duty (other than for training) in the armed forces for an aggregate of at least five years; or

(2) he served on active duty (other than for training) in the armed forces for an aggregate of less than five years, but satisfactorily participated, as determined by the Secretary concerned, in an accredited training program in the Ready Reserve for a period which, when added to his period of active duty (other than for training), totals at least five years, or such shorter period as the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, may prescribe for satisfactory participation in an accredited training program designated by the Secretary concerned.

This subsection does not apply to a member of the Ready Reserve while he is serving under an agreement to remain in the Ready Reserve for a stated period.

(As amended Dec. 1, 1967, Pub. L. 90-168, § 2(9), 81 Stat. 522.)

AMENDMENTS

1967—Subsec. (e). Pub. L. 90-168 redesignated former par. (4) as par. (2) and eliminated former par. (2) which referred to Reserves who served on active duty for at least one year and as a member of a unit of the Ready Reserve after being transferred under section 1014(a) of Title 50, for a period totalling four years, par. (3) referring to Reserves who satisfactorily completed an enlistment under section 1014(b) of Title 50, par. (5) referring to Reserves who served on active duty for an aggregate of at least 12 months after December 6, 1941, and before September 3, 1945, and for an aggregate of at least 12 months after June 25, 1950, and par. (6) referring to Reserves who were members of one or more reserve components for an aggregate of at least eight years after September 2, 1945.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on the first day of the first calendar month following the date of enactment of Pub. L. 90-168, which was approved on Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 136 of this title.

§ 270. Ready Reserve: training requirements.

(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is inducted, enlisted, or appointed in an armed force after August 9, 1955, and who becomes a member of the Ready Reserve under any provision of law except section 269(b) of this title, shall be required, while in the Ready Reserve, to—

(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year;

(As amended Pub. L. 90-168, § 2(10), Dec. 1, 1967, 81 Stat. 523.)

AMENDMENTS

1967—Subsec. (a)(1). Pub. L. 90-168 substituted “active duty for training of not less than 14 days (exclusive of traveltime) during each year” for “active duty for training not more than 17 days during each year.”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective on the first day of the first calendar month following the date of enactment of Pub. L. 90-168, which was approved on Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 136 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 456.

§ 271. Ready Reserve: continuous screening.

Ex. Ord. No. 11190. SCREENING OF READY RESERVE

Ex. Ord. No. 11190, Dec. 29, 1964, 29 F.R. 19183, as amended by Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 10247, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is delegated to the Secretary of Defense (and to the Secretary of Transportation with regard to the United States Coast Guard) the authority vested in the President by section 271 of title 10 of the United States Code [this section] to prescribe regulations for the screening of units and members of the Ready Reserve of the Armed Forces.

SEC. 2. Executive Order No. 10651 of January 6, 1956, is revoked.

LYNDON B. JOHNSON

§ 280. Regulations.

Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as he considers necessary to carry out chapters 11, 35, 39, and 59, and sections 715, 1003, 1004, 1032, 1376, 2001, 2511, 3077, 3079, 3221, 3224, 3259, 3260, 3261, 3351, 3352, 3354, 3495, 3498, 3685, 3686, 5251, 5252, 5456, 5597, 6327, 6483, 7225, 7226, 7854, 8077, 8079, 8221, 8224, 8259, 8260, 8261, 8351, 8352, 8354, 8495, 8498, 8685, and 8686 of this title. The Secretary of the Treasury, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as he considers necessary to carry out

chapters 11, 35, 39, and 59, and sections 715, 1003, 1004, 1032, 1376, 2001, and 2511 of this title, so far as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy. So far as practicable, regulations for all reserve components shall be uniform. (As amended Sept. 11, 1967, Pub. L. 90-83, § 3(1), 81 Stat. 220.)

AMENDMENTS

1967—Pub. L. 90-83 eliminated reference to section 6150 of this title.

§ 281. Adjutants general and assistant adjutants general; reference to other officers of National Guard.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

Chapter 15.—INSURRECTION

Sec.

335. Guam included as "State".

336. Virgin Islands included as "State".

§ 335. Guam included as "State".

For purposes of this chapter, "State" includes the unincorporated territory of Guam. (Added Pub. L. 90-497, § 11, Sept. 11, 1968, 82 Stat. 847.)

EFFECTIVE DATE

Section 11 of Pub. L. 90-497 provided in part that this section shall be effective on the date of enactment of Pub. L. 90-497, which was approved on September 11, 1968.

§ 336. Virgin Islands included as "State".

For the purposes of this chapter, "State" includes the unincorporated territory of the Virgin Islands. (Added Pub. L. 90-496, § 12, Aug. 23, 1968, 82 Stat. 841.)

EFFECTIVE DATE

Section 12 of Pub. L. 90-496 provided in part that this section shall be effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

PART II.—PERSONNEL

Chap.

Sec.

18. Military Correctional Facilities..... 951

AMENDMENTS

1968—Pub. L. 90-377, § 2, July 5, 1968, 82 Stat. 288, added chapter 48.

1967—Pub. L. 90-83, § 3(2), Sept. 11, 1967, 81 Stat. 220, struck out chapter 80, covering Exemplary Rehabilitation Certificates.

1966—Pub. L. 89-690, § 2, Oct. 15, 1966, 80 Stat. 1017, added chapter 80.

Chapter 31.—ENLISTMENTS

Sec.

501. Definition.

502. Enlistment oath: who may administer.

503. Enlistments: recruiting campaigns.

504. Persons not qualified.

505. Regular components: qualifications, term, grade.

506. Regular components: extension of enlistments during war.

507. Extension of enlistment for members needing medical care or hospitalization.

508. Reenlistment: qualifications.

509. Voluntary extension of enlistments: periods and benefits.

518. Temporary enlistments.

519. Temporary enlistments: during war or emergency.

¹ Pub. L. 90-497, § 11, Sept. 11, 1968, 82 Stat. 847, added section 335 without reflecting addition in chapter analysis.

² Pub. L. 90-496, § 12, Aug. 23, 1968, 82 Stat. 841, added section 336 without reflecting addition in chapter analysis.

³ Section catchline has been supplied editorially since section was enacted without a catchline.

AMENDMENTS

1968—Pub. L. 90-623, § 2(2), Oct. 22, 1968, 82 Stat. 1314, struck out "or national emergency" following "extension of enlistments during war" in item 506.

Pub. L. 90-235, § 2(a)(1)(C), Jan. 2, 1968, 81 Stat. 755, redesignated item 501 as 502, and added items 501, 503, 504, 505, 506, 507, 508, 509, 518 and 519.

§ 501. Definition.

In this chapter "enlistment" means original enlistment or reenlistment. (Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754.)

PRIOR PROVISIONS

A former section 501 of this title was redesignated 502 by Pub. L. 90-235, § 2(a)(1)(A), Jan. 2, 1968, 81 Stat. 753.

§ 502. Enlistment oath: who may administer.

Each person enlisting in an armed force shall take the following oath:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God."

This oath or affirmation may be taken before any commissioned officer of any armed force. (Aug. 10, 1956, ch. 1041, 70A Stat. 17, § 502, formerly § 501, as amended Oct. 5, 1962, Pub. L. 87-751, § 1, 76 Stat. 748, and renumbered Jan. 2, 1968, Pub. L. 90-235, § 2(a)(1)(A), 81 Stat. 753.)

§ 503. Enlistments: recruiting campaigns.

The Secretary concerned shall conduct intensive recruiting campaigns to obtain enlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, and Regular Coast Guard. (Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754.)

§ 504. Persons not qualified.

No person who is insane, intoxicated, or a deserter from an armed force, or who has been convicted of a felony, may be enlisted in any armed force. However, the Secretary concerned may authorize exceptions, in meritorious cases, for the enlistment of deserters and persons convicted of felonies. (Added Pub. L. 90-235, § 2(a)(1)(B), Jan. 2, 1968, 81 Stat. 754.)

§ 505. Regular components: qualifications, term, grade.

(a) The Secretary concerned may accept original enlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, of qualified, effective, and able-bodied persons who are not less than seventeen years of age in the case of male persons and not less than eighteen years of age in the case of female persons, nor more than thirty-five years of age. However, no male person under eighteen years of age, or female person under twenty-one years of age, may be originally enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control.