In subsection (c), the words ‘to active duty’ are substituted for the words ‘into the active military service of the United States’, in 50:961(g) (1st and last sentences). The words ‘to serve’ are substituted for the words ‘for the purpose of serving’. The words ‘without their consent’ are substituted for the word ‘involuntarily’. The words ‘to that duty’ are substituted for the words ‘into active duty’. The last sentence of the revised subsection is substituted for 50:961(g) (last sentence).

In subsection (d), the words ‘the consent of that member’ are substituted for the words ‘his consent’. The words ‘under his jurisdiction’ are inserted for clarity. 50:962 (last 15 words of 1st sentence) is omitted as surplusage. The words ‘hereafter’ are omitted as surplusage. The words ‘there are not enough . . . who are’ are substituted for the words ‘adequate numbers of . . . are not’. The words ‘without the consent of the persons affected’ and ‘under the jurisdiction of that Secretary’ are inserted for clarity.

The changes are necessary to reflect section 101(b) of the Armed Forces Reserve Act of 1952 (50 U.S.C. 901(b)), which defines the term ‘active duty’ to exclude active duty for training. This definition applied to the source law for these sections (sections 672 and 673), section 253(a), (b)(1), and (c) of the Armed Forces Reserve Act of 1952 (50 U.S.C. 961(a), (b)(1), (c)).

CODIFICATION

AMENDMENTS
1994—Pub. L. 103–337, § 1662(e)(2), renumbered section 672 of this title as this section. 
Subsec. (b), Pub. L. 103–337, § 1675(c)(1)(A), substituted ‘(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)’ for ‘or Territory or Puerto Rico’.

Subsec. (d), Pub. L. 103–337, § 1675(c)(1)(B), struck out ‘or Territory, Puerto Rico, or the District of Columbia, whichever is’ and inserted ‘Puerto Rico’ for ‘Puerto Rico, or the Canal Zone’.

Subsec. (e), Pub. L. 100–456, § 1234(a)(2), substituted ‘Puerto Rico’ for ‘Puerto Rico, or the Canal Zone’.

Subsec. (f), Pub. L. 100–456, § 1234(a)(1), struck out ‘the Canal Zone, after ‘Puerto Rico’.’.


1958—Subsec. (c) added subsec. (d).

1956—Pub. L. 84–333 (other than for training) after ‘active duty’.

1958—Subsec. (c) substituted ‘inactive National Guard’ for ‘inactive

Army National Guard or in the inactive Air National Guard’, and inserted provisions prohibiting a member of the Standby Reserve from being ordered to active duty under this subsection unless the Director of Selective Service determines that the member is available for active duty.

Subsec. (c), Pub. L. 85–861, § 33(a)(5), inserted ‘(other than for training)’ after ‘active duty’.

Title 10—Armies, Air Force, and National Guard

Part I—Army

Chapter 1—Organization

Section 101—Army National Guard

SUBSEC. (c).

Army National Guard or in the inactive Air National Guard’, and inserted provisions prohibiting a member of the Standby Reserve from being ordered to active duty under this subsection unless the Director of Selective Service determines that the member is available for active duty.

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 1001 of this title.

Effective Date of 1986 Amendment
Section 334(b) of Pub. L. 99–661 provided that: ‘Section 672(g) [now 12301(g)] of title 10, United States Code, as added by subsection (a), does not authorize a member of a reserve component to be ordered to active duty for a period before the date of the enactment of this Act [Nov. 14, 1986].’

Effective Date of 1958 Amendment
Amendment by section 33(a)(5) of Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.


Cross References
Ready Reserve, composition and authorized strength of, see section 10142 of this title.
Standby Reserve, composition of, see section 10151 of this title.

Section Referred to in Other Sections
This section is referred to in sections 101, 523, 582, 641, 672, 10124, 10151, 10215, 12305, 12306, 12307, 12310, 16131, 16133 of this title; title 33 sections 3011, 3013, 3231, 3511, 4211; title 50 App. section 592.

$12302. Ready Reserve
(a) In time of national emergency declared by the President after January 1, 1953, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve under the jurisdiction of that Secretary to active duty (other than for training) for not more than 24 consecutive months.

(b) To achieve fair treatment as between members in the Ready Reserve who are being considered for recall to duty without their consent, consideration shall be given to—

(1) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

(2) family responsibilities; and

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

The Secretary of Defense shall prescribe such policies and procedures as he considers necessary to carry out this subsection. He shall report on those policies and procedures at least...
Title 10—Armed Forces

Once a year to the Committees on Armed Services of the Senate and the House of Representatives.

(c) Not more than 1,000,000 members of the Ready Reserve may be on active duty (other than for training), without their consent, under this section at any one time.

(d) Whenever one or more units of the Ready Reserve are ordered to active duty, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to and retained on active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit’s performance of that mission, whether each such unit is being deployed at the time of the report, and such other information regarding each unit as the President deems appropriate.


**Historical and Revision Notes**

**1956 Act**

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<tr>
<th>Revised section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
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<tr>
<td>673(a)</td>
<td>50:961(b)(1)</td>
<td>July 9, 1952, ch. 608, §23(b), 66 Stat. 469.</td>
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<td>673(b)</td>
<td>50:961(b)(2)</td>
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In subsection (a), the words “after January 1, 1953” are substituted for the word “hereafter”, to reflect the effective date of the source statute. The words “without the consent of the persons concerned” are substituted for the word “involuntarily”.

The words “under the jurisdiction of that Secretary acting as if it were a part of the Department of Defense” are dropped. The last sentence of the revised subsection is substituted for 50:961(b)(1) (proviso). The words “and the members thereof” and “and required to perform” are omitted as surplusage.

In subsection (b), the words “to achieve” are substituted for the words “in the interest of”. The words “without their consent” are substituted for the word “involuntarily”. The words “who are being considered for” are inserted for clarity. The words “prescribe such policies and procedures” are substituted for the words “promulgate such policies and establish such procedures”. The words “as he considers necessary” are substituted for the words “as may be required in his opinion”. The words “this subsection” are substituted for the words “our intent here declared”. The words “at least once a year” are substituted for the words “from time to time, and at least annually”. The words “Senate and the House of Representatives” are substituted for the word “Congress”. 50:961(b)(2) (1st 18 words) is omitted as surplusage. The words “with the objective” and “found to be” are omitted as surplusage.

1958 Act

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<td>50:961(b)(2)</td>
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</table>

In subsection (c), the words “on active duty (other than for training)” are substituted for the words “may be required to perform active duty” for clarity. The words “without their consent” are substituted for the word “involuntarily”. The words “of all reserve components” and “unless the Congress shall have authorized the exercise of the authority contained in this subsection” are omitted as surplusage.

The changes are necessary to reflect section 101(b) of the Armed Forces Reserve Act of 1952 (50 U.S.C. 961(b)), which defines the term “active duty” to exclude active duty for training. This definition applied to the source law for these sections [sections 672 and 673], section 233(a), (b)(1), and (c) of the Armed Forces Reserve Act of 1952 (50 U.S.C. 961(a), (b)(1), (c)).

**Amendments**

1994—Pub. L. 103–337 renumbered section 673 of this title as this section.


1958—Subsec. (a), Pub. L. 85–861, §1(14)(A), 33A(a)(5), inserted “(other than for training)” after “active duty”, and struck out provisions that made subsection inapplicable unless Congress determined how many members of the reserve components were necessary, in the interest of national security, to be ordered to active duty.


**Change of Name**

Committee on Armed Services of House of Representatives changed to Committee on National Security of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1996.

**Effective Date of 1973 Amendment**

Section 33(b) of Pub. L. 93–155 provided that: “That amendment made by subsection (a) of this section [amending this section] shall be effective with respect to any unit of the Ready Reserve ordered to active duty on or after the date of enactment of this Act [Nov. 16, 1973].”

**Effective Date of 1958 Amendment**

Amendment by section 33(a)(5) of Pub. L. 85–861 effective Aug. 10, 1956, see section 28(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

**Ex. Ord. No. 12743. Ordering Ready Reserve of Armed Forces to Active Duty**

Ex. Ord. No. 12743, Jan. 18, 1991, 56 F.R. 2661, provided: By the authority vested in me by President of the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the U.S.C. 1641, I hereby order as follows: Ex. Ord. No. 12743, Ordering Ready Reserve of Armed Forces to Active Duty

**Section 1.** To provide additional authority to the Department of Defense and the Department of Transportation to respond to the continuing threat posed by Iraq’s invasion of Kuwait, the authority under section 673 [now 12392] of title 10, United States Code, to order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve to active duty (other than for training) for not more than 24 consecutive months, is invoked and made available, according to its terms, to the Secretary concerned, subject, in the case of the Secretaries of the Army, Navy, and Air Force, to the direction of the Secretary of Defense. The term “Secretary concerned” is defined in section 101(b) [now 101(9)] of title 10, United States Code, to mean the Secretary of the Army with respect to the Army; the Secretary of the Navy with respect to the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy; the Secretary...
of the Air Force with respect to the Air Force; and, the
Secretary of Transportation with respect to the Coast
Guard when it is not operating as a service in the Navy.

Sec. 2. To allow for the orderly administration of per-
sonnel within the armed forces, the authority vested in
the President by section 527 of title 10, United States
Code, to suspend the operation of sections 523–526 (524
now 12301) of title 10, United States Code, regarding offi-
cer strength and officer distribution in grade, is in-
voked to the full extent provided by the terms thereof.

Sec. 3. To allow for the orderly administration of per-
sonnel within the armed forces, the authority vested in
the President by section 644 of title 10, United States
Code, to suspend the operation of any provision of law
relating to the promotion, involuntary retirement, or
separation of commissioned officers of the Army, Navy,
Air Force, or Marine Corps, is invoked to the full ex-
tent provided by the terms thereof.

Sec. 4. The Secretary of Defense is hereby designated
and empowered, without the approval, ratification, or
other action by the President, to exercise the authority
vested in the President by sections 527 and 644 of title 10,
United States Code, as invoked by sections 2 and 3 of
this order, to suspend the operation of certain provi-
sions of law.

Sec. 5. The authorities delegated by sections 1 and 4
of this order may be redelegated and further subdele-
gated to civilian subordinates who are appointed to
their offices by the President, by and with the advice
and consent of the Senate.

Sec. 6. This order is intended to improve the internal
management of the executive branch, and is not in-
tended to create any right or benefit, substantive or
procedural, enforceable at law by a party against the
United States, its agencies, its officers, or any person.

Sec. 7. This order is effective immediately, and shall
be transmitted to the Congress and published in the
Federal Register.

GEORGE BUSH.

CROSS REFERENCES

Ready Reserve—
Composition and authorized strength, see section
10142 of this title.
Ordering to active duty during national emer-
gencies, see section 10103 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 115, 10142,
12304, 12305, 12318, 16131, 16133 of this title; title 38
sections 3011, 3013, 3231, 3511, 4211; title 50 App. section 924.

§ 12303. Ready Reserve; members not assigned to,
or participating satisfactorily in, units

(a) Notwithstanding any other provision of law,
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 satisfac-
torily in, a unit of the Ready Reserve;
(2) has not fulfilled his statutory reserve ob-
ligation; and
(3) has not served on active duty for a total
of 24 months.

(b) A member who is ordered to active duty
under this section may be required to serve on
active duty until his total service on active duty
equals 24 months. If his enlistment or other pe-
riod of military service would expire before he
has served the required period under this sec-
ton, it may be extended until he has served the
required period.

(c) To achieve fair treatment among members
of 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.

105, §673a; renumbered §12303, Pub. L. 103–337,
Stat. 2992.)

AMENDMENTS

1994—Pub. L. 103–337 renumbered section 673a of this
title as this section.

EX. ORD. No. 11366. AUTHORIZATION TO ORDER READY RE-
SERVE TO ACTIVE DUTY; EXTENSION OF MILITARY SER-
VICE

Ex. Ord. No. 11366, Aug. 4, 1967, 32 F.R. 11411, provided:
By virtue of the authority vested in me by section 673a (now 12303) of title 10 of the United States Code,
and by section 301 of title 3 of the United States Code,
and as President of the United States, it is hereby or-
dered as follows:

SECTION 1. (a) The Secretary of Defense is hereby au-
thorized and empowered to exercise the authority vest-
ed in the President by section 673a (now 12303) of title
10 of the United States Code, to order to active duty
any member of the Ready Reserve of an armed force
(except the Coast Guard when not operating as a ser-
vice in the Navy) who—

(1) is not assigned to, or participating satisfactorily
in, a unit of the Ready Reserve;
(2) has not fulfilled his statutory reserve obligation;
and
(3) has not served on active duty for a total of
24 months.

(b) In pursuance of the provisions of section 673a (now
12303) of title 10 of the United States Code, the Sec-
retary of Defense is hereby authorized to require a
member ordered to active duty under the authority of
this Order to serve on active duty until his total serv-
omequal to 24 months. If the enlistment
or period of military service of a member of the Ready
Reserve ordered to active duty under this authority
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 he has served
the required period.

(c) In pursuance of the provisions of section 673a (now
12303) of title 10 of the United States Code, and in order
to achieve fair treatment among members of the Ready
Reserve who are being considered for active duty under
this authority, appropriate consideration shall be given to—

(1) family responsibilities; and
(2) employment necessary to maintain the
national health, safety, or interest.

105, §673a; renumbered §12303, Pub. L. 103–337,
Stat. 2992.)

LYNDON B. JOHNSON.