

Office of the Secretary of Defense

§ 101.5

I am the _____ (Job Title, e.g., Personnel Officer) of _____ (Unit) on the _____ day of _____ 19____, I mailed the original orders, a true copy of which is attached hereto, by Certified Mail (Return Receipt Requested) to _____ (Name and address of member of orders) that being the last known address given to _____ (Unit) as the one at which official mail would be received by or forwarded to the Reserve component member by depositing same in an official depository of the U.S. Postal Service at _____ (Location of Postal Facility) in a securely wrapped and sealed U.S. Government official postal envelope with a Return Receipt Card (PS Form 3811) attached and the envelope addressed to the member at the address provided. A Receipt for Certified Mail (PS Form 3800) attesting to such action is attached.

_____(Signature and Rank of Affiant) Sworn and subscribed before me this _____ day of _____ 19____. _____(Signature and Rank of Officer Administering Oath)

PART 101—PARTICIPATION IN RESERVE TRAINING PROGRAMS

- Sec. 101.1 Reissuance and purpose. 101.2 Applicability. 101.3 Definitions. 101.4 Responsibilities. 101.5 Requirements. 101.6 Criteria for satisfactory performance. 101.7 Compliance measures. 101.8 Reserve training in sovereign foreign nations.

AUTHORITY: 10 U.S.C. 270 (a), (b), (c), 511 (b), (d), and 673a, and 32 U.S.C. 502(a).

SOURCE: 44 FR 53160, Sept. 13, 1979, unless otherwise noted.

§ 101.1 Reissuance and purpose.

This part establishes: (a) The criteria and training requirements for satisfactory participation by members of the Reserve components of the U.S. Armed Forces who are subject to the provisions of 10 U.S.C. and 32 U.S.C., and (b) uniform DoD policy for training members of such Reserve components who may be temporarily residing in sovereign foreign nations.

§ 101.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense and the Military Departments.

§ 101.3 Definitions.

For the purposes of administering 10 U.S.C. 270(a), the terms enlisted and appointed refer to initial entry into an armed force through enlistment or appointment.

§ 101.4 Responsibilities.

The Secretaries of the Military Departments will issue regulations prescribing criteria and training requirements for satisfactory participation in Reserve training programs by members of Reserve components of the U.S. Armed Forces and exceptions thereto, consistent with § 101.5.

§ 101.5 Requirements.

(a) Reserve participation—(1) Training requirements under 10 U.S.C. 270(a). (i) Each individual inducted, enlisted, or appointed in the U.S. Armed Forces after August 9, 1955, who becomes a member of the Ready Reserve (by means other than through membership in the Army National Guard of the United States (see § 101.5(a)(2)) during the required statutory period in the Ready Reserve, participate or serve as follows, except as provided in 32 CFR part 102.

(A) In at least 48 scheduled drills or training periods and not less than 14 days (exclusive of travel time) of active duty training during each year; or

(B) On active duty for training for no more than 30 days each year, unless otherwise specifically prescribed by the Secretary of Defense.

(ii) The provisions of § 101.5(a)(1) do not apply to graduates of the Federal and State Maritime Academies who are commissioned in the Naval Reserve.

(2) Training requirements under 32 U.S.C. 502(a) apply to the Secretaries of the Army and Air Force only. Members of the Army and Air National Guard shall:

(i) Assemble for drill and instruction at least 48 times a year, and

(ii) Participate in training encampments, maneuvers, or other exercises at least 15 days a year, unless excused by the Secretaries of the Army or Air Force.

(3) Active duty. Enlisted members who have served 2 years on active duty or who, under the policy and regulations of the Military Services concerned,

§ 101.6

32 CFR Ch. I (7-1-14 Edition)

were credited with having served 2 years of active duty will not be required to perform duty as described in paragraph (a)(1)(i) (A) and (B) of this section unless such members:

(i) Enlisted under the provisions of 10 U.S.C. 511(b) or (d) thereby incurring a statutory obligation to participate in the Ready Reserve in an active training status for a specified period of time after the 2 years of active duty described above.

(ii) Performed part or all of their 2 years of active duty as a result of being ordered to active duty under 10 U.S.C. 673a for not participating satisfactorily in a unit of the Ready Reserve. However, the Secretary concerned, or designee, may waive this requirement in those cases where involuntary retention would not be in the best interest of the Service.

(iii) Filled a vacancy in the Selected Reserve that otherwise cannot be filled, following a diligent recruiting effort by the Secretary concerned.

(iv) Executed a separate written agreement incurring an obligation to participate in the Selected Reserve.

(4) *Active duty served in a combat zone.*

(i) Except as specified in paragraph (a)(4)(ii), enlisted members who (A) have served on active duty in a combat zone for hostile fire pay (or other areas as prescribed by the Secretary of Defense) for a total of 30 days or more, or (B) are wounded while on active duty in hostile areas, will not be required to perform duty involuntarily (as described paragraph (a) (1)(i)(A) and (2) of this section. However, these members may be required to participate or serve on active duty for no more than 30 days each year, unless otherwise specifically prescribed by the Secretary of Defense.

(ii) Members, who enlisted under the provisions of 10 U.S.C. 511(b) or (d) and serve on active duty described in paragraph (a)(4)(i) are obligated to participate in the Ready Reserve in an active duty training status during the statutory period of service in the Ready Reserve.

(5) *Exclusion.* Notwithstanding the exclusion of the member enlisted under the provisions of 10 U.S.C. 511(b) or (d), from the policies set forth in paragraph (a) (3) and (4) of this section, the Secretaries of the Military Departments

may, with the approval of the Secretary of Defense, establish criteria which may excuse certain enlistees from performing the duty described in §101.5(a), depending upon the particular needs of the Military Department concerned.

§ 101.6 Criteria for satisfactory performance.

Within the general policy outlined in §101.5(a), the minimum amount of annual training prescribed by the Secretaries of the Military Departments concerned will be no less than the training required to maintain the proficiency of the unit and the skill of the individual. In establishing annual training requirements under this policy, the Secretaries:

(a) May grant exceptions under circumstances outlined below for individuals who are subject to the training requirements set forth in §101.5(a)(1) and (2):

(1) To the degree that it is consistent with military requirements, the personal circumstances of an individual may be considered in assigning him/her to a training category prescribed in 32 CFR part 102, except as otherwise provided by 32 CFR part 100.

(2) Members who have performed a minimum initial tour of extended active duty, as prescribed by the Military Departments concerned may be placed in Category I (no training) as defined in 32 CFR part 102, when the Secretary of the Military Department concerned determines that no training for mobilization requirement exists because of

(i) Changes in military skills required;

(ii) The degree of military skill held; or

(iii) Compatibility of the member's civilian occupation with his/her military skill.

(b) May grant exceptions regarding absences after considering the member's manner of performance of prescribed training duty under the provisions of §101.5(a)(1) and provided that the absences not so excepted do not exceed 10% of scheduled drills or training periods.

(c) Shall require members to: (1) Meet the standards of satisfactory performance of training duty set forth in

Office of the Secretary of Defense

§ 103.1

§101.6(b); or (2) participate satisfactorily in an officer training program. The placement of such members in the Standby Reserve as a result of the screening process prescribed in 32 CFR part 44, will continue to constitute satisfactory performance of service.

§ 101.7 Compliance measures.

Under the provisions of 32 CFR part 100, members of the Ready Reserve who fail to meet the criteria for satisfactory performance, as set forth in §101.6, may be:

- (a) Ordered to active duty; or
- (b) Ordered to active duty for training; or
- (c) Transferred to, or retained in the Individual Ready Reserve with a tentative characterization of service, normally under other than honorable conditions; or
- (d) Discharged for unsatisfactory participation under the provisions of 32 CFR part 41, when the Military Department concerned has determined that the individual has no potential for useful service under conditions of full mobilization.

§ 101.8 Reserve training in sovereign foreign nations.

(a) The Secretaries of the Military Departments may authorize the conduct of scheduled drills or training periods, correspondence courses, and such other active or inactive duty training as they consider appropriate for members of the Reserve components who may be temporarily residing in sovereign foreign nations which permit the United States to maintain troops of the Active Forces (other than Military Advisory Assistance Group or attached personnel) within their boundaries.

(b) Prior to authorizing such training, the Secretaries of the Military Departments will instruct the attaches representing their respective Departments to inform the U.S. Ambassador and the appropriate officials of the foreign government of the intent to conduct such training. If the foreign government objects, the Secretaries of the Military Departments will furnish all the facts and their recommendations to the Secretary of Defense.

(c) This policy does not prohibit the conduct of inactive duty training, such as correspondence courses, in those sovereign foreign countries in which the United States does not maintain Active Forces and where an agreement exists between the United States and the sovereign foreign nation concerned for the conduct of such training.

(d) This policy does not prohibit for a limited duration the augmentation of Defense Attache Offices by attache reservists (mobilization augmentees or mobilization designees) during periods of local emergencies or for short-term (less than 30 days) training periods, provided the provisions of paragraph (b) of this section are respected. Attache reservists who are available, possess the expertise required, and reside temporarily in foreign countries, shall be utilized to the maximum extent to augment Defense Attache Offices before the continental United States-based attache reservists are utilized.

PART 103—SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM

- Sec.
- 103.1 Purpose.
 - 103.2 Applicability.
 - 103.3 Definitions.
 - 103.4 Policy.
 - 103.5 Responsibilities.

AUTHORITY: 10 U.S.C. 113; and Public Laws 109-364, 109-163, 108-375, 106-65, 110-417, and 111-84.

SOURCE: 78 FR 20445, Apr. 5, 2013, unless otherwise noted.

§ 103.1 Purpose.

(a) This part reissues DoDD 6495.01, pursuant to section 113 of Title 10, U.S.C., to implement DoD policy and assign responsibilities for the SAPR Program on prevention, response, and oversight to sexual assault according to the guidance in:

- (1) This part;
- (2) DoDD 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," October 6, 2005 (hereby cancelled);