

Authorities, Benefits and Entitlements for 12301(d), 12302 12304 and 12304b

Authority	12301(d)	12302
Title	Reserve components generally	Ready Reserve
Legal Definition	In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty for the duration of the war or emergency and for six months thereafter. At any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty, or retain him on active duty, with the consent of that member. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.	In time of national emergency declared by the President 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 for not more than 24 consecutive months. Not more than 1,000,000 members of the Ready Reserve may be on active duty, without their consent, under this section at any one time.
Voluntary/Involuntary	Voluntary	Involuntary
Requirements	War or national emergency declared by Congress or when otherwise authorized by law	National emergency declared by the President or when otherwise authorized by law (unless extended, current "Declaration of National Emergency by Reason of Certain Terrorist Attacks" scheduled to expire on 13 Sep 15)
Approval Level	Congress	President
OCO Applicability	Yes	Yes
Theater Security (Phase O) Applicability	Yes	No
180-day Pre-TRICARE	Conditional IAW Title 10 USC § 1074, authorized when delayed-effective date active duty orders are issued for a period of more than 30 days in support of a contingency operation per Title 10 USC § 101(a)(13)(B)	Yes
Post-TRICARE Transitional Assistance Management Program (TAMP)	Yes IAW Title 10 USC § 1145, authorized for a member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operations for a period of more than 30 days	Yes IAW Title 10 USC § 1145, authorized for a member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operations for a period of more than 30 days
Early Retirement Credit	Yes	Yes
Basic Allowance for Housing (BAH II)	Yes (>30 days)	Yes (>30 days)
Post Deployment Mobilization Respite Absence (PDMRA)	Conditional (OEF)	Yes
Downtime	Established by MAJCOM	Established by MAJCOM
Five-Year USERRA Exemption	Yes	Yes
SGLI (\$)	Yes	Yes
Post 9/11 GI Bill Eligibility	Yes (with 90 aggregate days service after 9/11)	Yes (with 90 aggregate days service after 9/11)
Combat Zone Tax Exclusion (CZTE)	Effective 1 Jun 14, includes: Afghanistan, Algeria, Azerbaijan, Burundi, Chad, Colombia, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Greece (Athens only), Indonesia, Iran, Iraq, Israel, Jordan, Kenya, Kosovo, Lebanon, Libya, Malaysia, Pakistan, Philippines, Somalia, Sudan, Syria, Tunisia, Turkey, Uganda, Yemen, Mediterranean Sea and Somalia Basin	

Authority	12304	12304b
Title	Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency	Selected Reserve: order to active duty for preplanned missions in support of the combatant commands
Legal Definition	When the President determines that it is necessary to augment the active forces for any named operational mission or that it is necessary to provide assistance referred to in response to certain emergencies involving a use or threatened use of a weapon of mass destruction or a terrorist attack or threatened terrorist attack in the United States that results, or could result, in significant loss of life or property, he may authorize the Secretary of Defense, without the consent of the members concerned, to order any unit, and any member not assigned to a unit organized to serve as a unit of the Selected Reserve, or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned, to active duty for not more than 365 consecutive days.	When the Secretary of a military department determines that it is necessary to augment the active forces for a preplanned mission in support of a combatant command, the Secretary may order any unit of the Selected Reserve (as defined in section 10143(a) of this title) without the consent of the members, to active duty for not more than 365 consecutive days. Not more than 60,000 members of the reserve components of the armed forces may be on active duty under this section at any one time. Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or total number of members in grade under this title or any other law.
Approval Level	President	SecAF
OCO Applicability	Yes	Possible; however, was written "with a focus on normal peacetime, non-contingency assignments (HASC)"
Theater Security (Phase 0) Applicability	No	Yes
180-day Pre-TRICARE	Yes	Conditional IAW Title 10 USC § 1074, authorized when delayed-effective date active duty orders are issued for a period of more than 30 days in support of a contingency operation per Title 10 USC § 101(a)(13)(B)
Post-TRICARE Transitional Assistance Management Program (TAMP)	Component who is separated from active duty to which called or ordered in	Conditional IAW Title 10 USC § 1145, authorized for a member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operations for a period of more than 30 days
Early Retirement Credit	Yes	Conditional Service to active duty in support of a contingency operations per section 101(a)(13)(B)
Basic Allowance for Housing (BAH II)	Yes (>30 days)	Yes (>30 days)
Post Deployment Mobilization Respite Absence (PDMRA)	Yes	Conditional Per DoDI 1327.06, Attachment 4, the Secretary concerned may include other deployments or mobilizations in conjunction with an expanded program for the Service concerned.
Downtime	Established by MAJCOM	Established by MAJCOM
Five-Year USERRA Exemption	Yes	Requires SecAF authority to designate military operation as a critical mission or requirement
SGLI (\$)	Yes	Yes
Post 9/11 GI Bill Eligibility	Yes (with 90 aggregate days service after 9/11)	Yes (with 90 aggregate days service after 9/11)
Combat Zone Tax Exclusion (CZTE)	Effective 1 Jun 14, includes: Afghanistan, Algeria, Azerbaijan, Burundi, Chad, Colombia, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Greece (Athens only), Indonesia, Iran, Iraq, Israel, Jordan, Kenya, Kosovo, Lebanon, Libya, Malaysia, Pakistan, Philippines, Somalia, Sudan, Syria, Tunisia, Turkey, Uganda ,Yemen, Mediterranean Sea and Somalia Basin	
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as of 17 Nov 2014 (NGB/A1P)		