

Reserve, notification thereof to the Selective Service System will be made by the Military Department concerned in accordance with part 136 of this subchapter.

§ 115.5 Discharge.

(a) Enlisted members of the Ready Reserve or the Standby Reserve not on active duty who have completed their statutory obligation or who are not otherwise subject to a military obligation will be discharged upon the completion of their obligation or upon the expiration of their enlistment, as the case may be, unless they voluntarily (1) re-enlist to serve in the Ready Reserve or Standby Reserve, or (2), where applicable, extend their enlistment to remain in the Ready Reserve or (3) request transfer to the Inactive Status List of the Standby Reserve under the provisions of part 136 of this subchapter. Only those personnel listed in part 136 of this subchapter may re-enlist in the Standby Reserve.

(b) Any person who while a member of a reserve component becomes a regular or duly ordained minister of religion shall be discharged from such reserve component upon request under section 1162(b) of title 10, U.S.C. The definition of regular or duly ordained minister of religion provided in section 16(g) of The Military Selective Service Act of 1967 (50 App. U.S.C., 451 et seq.) shall be used in connection with this regulation.

(c) Those commissioned officers of the reserve who have accepted indefinite appointment will not be subject to mandatory discharge upon completion of the statutory obligation.

(d) Discharge from one's statutory obligation for hardship or other causes will be governed by pertinent provisions of parts 50 and 125 of this subchapter.

(e) Discharge from the reserve components is governed by sections 1003, 1162, and 1163 of title 10, U.S.C., subject to sections 680-681 and 1006 of the same reference.

(f) Upon the discharge of members of the Standby Reserve, due notification thereof will be made to the Selective Service System by the Military Department concerned.

PART 132—INITIAL ACTIVE DUTY FOR TRAINING IN RESERVE COMPONENTS

Sec.

132.1 Reissuance and purpose.

132.2 Applicability and scope.

132.3 Policy.

132.4 Implementation.

AUTHORITY: 10 U.S.C. 511, 32 U.S.C. 302, 50 App. U.S.C. 456(c)(2)(A).

SOURCE: 35 FR 1290, Jan. 31, 1970, unless otherwise noted.

§ 132.1 Reissuance and purpose.

This part updates uniform policies governing active duty and active-duty-for-training programs established to provide basic training for persons enlisting directly into the Reserve Components (see § 132.3(a) and (d)(1)).

§ 132.2 Applicability and scope.

(a) The provisions of this part apply to the Military Departments conducting reserve enlistment programs under the provisions of title 10, U.S.C. section 511, and title 32, U.S.C. for personnel without prior military service.

(b) Initial active duty or active-duty-for-training programs may include, in addition to recruit or basic individual training, basic unit training and various types of specialist training.

§ 132.3 Policy.

(a) *General.* The reserve enlistment programs were established to provide the Reserve Forces with trained personnel. Enlistments of non-prior service personnel shall be accepted under title 10, U.S.C. section 511, and title 32, U.S.C. only to the extent that initial active-duty-for-training spaces are expected to be available within 180 days from dates of enlistment. The Military Departments will program and budget for Reserve training base requirements as necessary to preclude delaying the commencement of initial basic training of Reserve enlistees beyond 180 days in accordance with section 511(d) of title 10, United States Code.

(b) *Periods of enlistment.* (1) Persons without prior military service who are under 26 years of age who enlist under section 511 (a) or (d) of title 10, U.S.C., or section 302 of title 32, U.S.C., and all

persons regardless of age who enlist under section 511(b) of title 10, U.S.C. will be enlisted for a period of 6 years.

(2) Persons without prior military service who are 26 years or over who enlist under section 511(a) of title 32, U.S.C. will be enlisted for such period as is prescribed by the Secretary of the Military Department concerned.

(c) *Periods of training.* (1) Persons without prior military service who enlist in the Reserve Forces under section 511 (a) or (d) of title 10, U.S.C., or section 302 of title 32, U.S.C. will perform an initial tour of active-duty-for-training of not less than four (4) consecutive months' duration regardless of age at time of enlistment (title 10, U.S.C., section 671).

(i) The initial period of active-duty-for-training will be determined within each Military Service on the basis of the amount of training considered necessary to qualify the individual for the military specialty for which he enlisted.

(ii) Unless otherwise provided by law, personnel shall participate in reserve training in the Ready Reserve for the total period of enlistment except for the period of delay in reporting for active-duty-for-training permitted by paragraph (d) of this section.

(iii) Deferment from induction of draft-liable enlistees based on satisfactory service in the Reserves is governed by the Military Selective Service Act of 1967, as supplemented by Selective Service Regulations.

(2) Persons without prior military service who enlist in the Reserve Forces under section 511(b) of title 10, U.S.C. will perform such active-duty-for-training and inactive duty training as required to qualify them as combat ready by not later than 6 months following date of enlistment.

(d) *Delay in reporting.* (1) Persons entering the Reserve Components under section 511 (a) or (d) of title 10, U.S.C., or section 302 of title 32, U.S.C. shall enter initial active-duty-for-training as prescribed in paragraph (c) of this section, with minimum practicable delay after enlistment. Any delay authorized shall not exceed 180 days except as follows:

(i) Persons enlisting for positions requiring security clearance for access to

or work with classified military information or equipment may be delayed to the extent necessary to accomplish the required clearances.

(ii) Persons with special qualifications enlisted to fill positions requiring highly specialized skills for which appropriate formal training courses are offered only infrequently may be delayed to the extent necessary to insure that the enlistee receives the training commensurate with the requirements of the position for which enlisted.

(iii) Persons who have enlisted and who subsequently incur a personal hardship as a result of an unexpected delay in being ordered to initial active-duty-for-training may be delayed beyond 180 days under regulations prescribed by the Secretary of the Military Department concerned.

(iv) Delays for such personnel shall, in no case, exceed a period of 1 year from date of enlistment. Such delays shall not be employed for the purpose of stockpiling personnel.

(2) Participation in Reserve training by individuals during periods of delay will be in accordance with part 102 of this subchapter.

(3) Persons enlisting in the Reserve Components under section 511(b) of title 10, U.S.C., shall be ordered to active duty or advanced school training no later than 1 year following enlistment.

(e) *Officer training programs.* Persons enlisting directly in the Reserve Components to participate in officer training programs requiring enlisted status for eligibility therefor may be exempt from the training and delay requirements set forth in paragraphs (c) and (d) of this section.

(f) *Reserve Officers' Training Corps.* Personnel enrolled in the financial assistance program of the senior division, ROTC, or the advanced course of the nonscholarship program of the senior division will not participate in a paid training status (part 102 of this subchapter), in any training program of a Reserve Component.

(g) *Army and Air National Guard.* In order to assure uniformity of training and discipline, members of the Army National Guard of the United States and the Air National Guard of the United States ordered to active-duty-

for-training for the purpose of basic training will be ordered to that duty as Reserves of the Army or of the Air Force, as appropriate.

(h) *Advanced individual training.* In order to assure a high level of quality among Reserve enlisted personnel and to achieve and maintain a high level of operational readiness of units of the Selected Reserve, National Guard and Reserve enlistees who require advanced individual training in specific military skills to qualify them for filling unit assignments in the Selected Reserve will be provided such training following completion of their basic training.

(1) The Military Departments will program and budget for advanced individual training capabilities sufficiently to fulfill the individual training requirements of National Guard and Reserve units on a priority consistent with mobilization missions assigned.

(2) Personnel enlisted under subsections (a) or (d) of 10 U.S.C. 511, who have received such advanced training will be required to agree to actively participate in the Selected Reserve for the duration of their statutory obligation.

[35 FR 1290, Jan. 31, 1970, as amended at 35 FR 12654, Aug. 8, 1970]

§ 132.4 Implementation.

In the interest of maintaining reasonable uniformity and equity among the reserve enlistment programs of the Military Departments, proposed changes to existing reserve enlistment programs established in conformance with this part and programs proposed for establishment under its provisions will be submitted to the Assistant Secretary of Defense (Manpower and Reserve Affairs) for approval.

PART 142—COPYRIGHTED SOUND AND VIDEO RECORDINGS

Sec.

142.1 Purpose.

142.2 Applicability.

142.3 Policy.

142.4 Procedures.

142.5 Responsibilities.

AUTHORITY: 10 U.S.C. 133.

SOURCE: 49 FR 49452, Dec. 20, 1984, unless otherwise noted.

§ 142.1 Purpose.

This part provides policy, prescribes procedures, and assigned responsibilities regarding the use of copyrighted sound and video recordings within the Department of Defense.

§ 142.2 Applicability.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) This part does not regulate the procurement or use of copyrighted works for authorized official purposes.

§ 142.3 Policy.

(a) It is DoD policy: (1) To recognize the rights to copyright owners by establishing specific guidelines for the use of copyrighted works by individuals within the DoD community, consistent with the Department's unique mission and worldwide commitments, and (2) Not to condone, facilitate, or permit unlicensed public performance or unlawful reproduction for private or personal use of copyrighted sound or video recordings, using government appropriated or nonappropriated-funded or leased equipment or facilities.

(b) Although the policy expressed in this Directive takes into account the copyright law of the United States, the application of that law to specific situations is a matter for interpretation by the U.S. Copyright Office and the Department of Justice.

§ 142.4 Procedures.

(a) Permission or licenses from copyright owners shall be obtained for public performance of copyrighted sound and video recordings.

(b) Component procedures established pursuant to § 142.5, below provide guidance for determining whether a performance is "public." These general principles will be observed:

(1) A performance in a residential facility or a physical extension thereof is not considered a public performance.