

solicitation. Where applicable, the company shall also include the names of new agents for whom original accreditation and permission to solicit on base is requested. Insurers initially accredited will be furnished instructions by the Department of Defense for agent accreditation procedures in overseas areas.

4. Material changes affecting the corporate status and financial conditions of the company which may occur during the fiscal year of accreditation must be reported as they occur.

a. The Department of Defense reserves the right to terminate accreditation if such material changes appear to substantially affect the financial and operational criteria described in section A., above, on which accreditation was based.

b. Failure to report such material changes can result in termination of accreditation regardless of how it affects the criteria.

5. If an analysis of information furnished by the company indicates that unfavorable trends are developing which may possibly adversely affect its future operations, the Department of Defense may, at its option, bring such matters to the attention of the company and request a statement as to what action, if any, is contemplated to deal with such unfavorable trends.

## PART 44—SCREENING THE READY RESERVE

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AUTHORITY: Title 10 U.S.C. 269, 271, 272, 652, 672, 673, 674, 685, and 1005 and E.O. 11190.

SOURCE: 49 FR 30067, July 26, 1984, unless otherwise noted.

### § 44.1 Purpose.

This part updates and clarifies DoD policy, procedures, and responsibilities governing the screening of Ready Reservists, consistent with title 10 U.S.C. 269, 271, 272, 652, 672, 673, 674, 685, and 1005 and E.O. 11190.

### § 44.2 Applicability.

This part applies to the Office of the Secretary of Defense and the Military Departments (including their reserve components). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (by agreement with the Department of Transportation). Reserve components include the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve.

### § 44.3 Definitions.

(a) *Defense support industry.* Any business or corporation so determined by FEMA.

(b) *Extreme community hardship.* A situation that, because a reservist is mobilized, may have a substantially adverse effect on the health, safety, or welfare of the community. Any request for a determination of such hardship shall be made by the reservist and must be supported by documentation as required by the Secretary of the Military Department concerned.

(c) *Extreme personal hardship.* An adverse impact upon a reservist's dependents resulting from his or her mobilization. Any request for a determination of such hardship shall be made by the reservist and must be supported by documentation as required by the Secretary of the Military Department concerned.

(d) *Key employee.* Any Federal employee occupying a key position.

(e) *Key position.* A Federal position that cannot be vacated during a national emergency or mobilization without seriously impairing the capability of the parent Federal agency or office to function effectively. There are three categories of Federal key positions. The first two categories are, by definition, key positions. Only the final category requires a case-by-case determination and designation:

(1) The Vice President of the United States or any official specified in the order of presidential succession as set forth in 3 U.S.C. 19.

(2) Members of Congress, heads of Federal agencies appointed by the

President with the consent of the Senate, and the Federal judiciary (District, Circuit, and Supreme Court judges and justices only; all other positions within the Federal judiciary shall be considered under the provisions of paragraph (e)(3) of this section). For the purposes of the definition contained in this paragraph, the terms “heads of Federal agencies” does not include any person appointed by the President with the consent of the Senate to a Federal agency as a member of a multimember board or commission. Positions occupied by such persons may be designated as key positions only by the application of the criteria set forth in § 44.5(b)(2) of this part.

(3) Other Federal positions determined by Federal agency heads, or their designees, to be key positions in accordance with the guidelines specified in § 44.5(b)(2) of this part.

(f) *Ready Reserve*. Units and individual reservists liable for active duty as outlined in 10 U.S.C. 672 and 673.

(g) *Selected Reserve*. Part of the Ready Reserve of each reserve component consisting of units and individuals who participate actively in paid training periods and serve on paid active duty for training each year.

(h) *Standby Reserve*. Units or members of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty as provided in sections 672 and 674 of title 10, U.S.C.

#### § 44.4 Policy.

It is DoD policy that members of the Selected Reserve and other Ready Reservists who are not on active duty shall be screened at least annually to provide a Ready Reserve force composed of members who:

(a) Meet Military Service wartime standards of mental, moral, professional, and physical fitness.

(b) Possess the military qualifications required in the various ranks, grades, ratings, and specialties.

(c) Are available immediately for active duty during a mobilization (or during a war or national emergency or in response to a presidential order to augment the active forces for an operational mission).

#### § 44.5 Procedures.

(a) *Reserve component screening activities*. The following general procedures shall be followed to ensure the immediate availability of a Ready Reserve force:

(1) *Annual screening*. All Ready Reservists shall be screened at least annually to ensure their availability. Upon mobilization, all screening activity ceases, and all those remaining in the Ready Reserve shall be considered immediately available for active duty service.

(2) *Maintaining current data*. The development and maintenance of current information pertaining to the mobilization availability of Ready Reservists shall be the responsibility of the Secretary of the Military Department concerned.

(3) *Civilian employment*. After a mobilization is ordered, no deferment, delay, or exemption from mobilization will be granted to Ready Reservists because of their civilian employment.

(4) *Retention in the Ready Reserve*. All Ready Reservists shall be retained in the Ready reserve for the entire period of their statutory obligation or voluntary contract. Exceptions to this policy are made in this part or may be made by the Secretaries of the Military Departments (10 U.S.C. 269).

(5) *Transfer of National Guard members to the Standby Reserve*. In accordance with section 269(g) of title 10, U.S.C., a member of the Army National Guard or the Air National Guard may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the State, commonwealth, or territory concerned (including the District of Columbia).

(6) *Transfer from the Standby Reserve to the Ready Reserve*. Under section 272 of title 10, U.S.C., any eligible member of the Standby Reserve may be transferred back to the Ready Reserve when the reason for the member’s transfer to the Standby Reserve no longer exists (32 CFR part 100).

(7) *Extreme hardship*. The Secretaries of the Military Departments shall screen extreme hardship cases (section 271a(5) of title 10, U.S.C.). Ready Reservists whose immediate recall to active duty during an emergency would