

Sec.	
12683.	Reserve officers: limitation on involuntary separation.
12684.	Reserves: separation for absence without authority or sentence to imprisonment.
12685.	Reserves separated for cause: character of discharge.
12686.	Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.
12687.	Reserves under confinement by sentence of court-martial: separation after six months confinement.

AMENDMENTS

1996—Pub. L. 104-106, div. A, title V, §563(a)(2)(B), Feb. 10, 1996, 110 Stat. 325, added item 12687.

§ 12681. Reserves: discharge authority

Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

(Added Pub. L. 103-337, div. A, title XVI, §1662(i)(1), Oct. 5, 1994, 108 Stat. 2997.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 1162(a) of this title, prior to repeal by Pub. L. 103-337, §1662(i)(2).

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

AVAILABILITY OF TRANSITION ASSISTANCE ADVISORS TO ASSIST MEMBERS OF RESERVE COMPONENTS WHO SERVE ON ACTIVE DUTY FOR MORE THAN 180 CONSECUTIVE DAYS

Pub. L. 112-239, div. A, title V, §513, Jan. 2, 2013, 126 Stat. 1718, provided that:

“(a) **TRANSITION ASSISTANCE ADVISOR PROGRAM AUTHORIZED.**—The Chief of the National Guard Bureau may establish a program to provide professionals (to be known as Transition Assistance Advisors) in each State to serve as points of contact to assist eligible members of the reserve components in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) **ELIGIBLE MEMBERS.**—To be eligible for assistance under this section, a member of a reserve component must have served on active duty in the Armed Forces for a period of more than 180 consecutive days.

“(c) **DUTIES.**—The duties of a Transition Assistance Advisor include the following:

“(1) To assist with the creation and execution of an individual transition plan for an eligible member of a reserve component and dependents of the member for the reintegration of the member into civilian life.

“(2) To provide employment support services to the member and dependents of the member, including assistance with finding employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) To provide information on relocation, health care, mental health care, and financial support services available to the member and dependents of the member from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

“(4) To provide information on educational support services available to the member, including Post-9/11 Educational Assistance under chapter 33 of title 38, United States Code.

“(d) **TRANSITION PLANS.**—The individual transition plan referred to in subsection (c)(1) created for an eligible member of a reserve component shall include at a minimum the following:

“(1) A plan for the transition of the member to civilian life, including with respect to employment, education, and health care.

“(2) A description of the transition services that the member and dependents of the member will need to achieve their transition objectives, including information on any forms that the member will need to fill out to be eligible for such services.

“(3) A point of contact for each agency or entity that can provide the transition services described in paragraph (2).

“(4) Such other information determined to be essential for the transition of the member, as determined by the Chief of the National Guard Bureau in consultation with the Secretary of Defense and the Secretary of Veterans Affairs.

“(e) **FUNDING.**—Funding for Transition Assistance Advisors for a fiscal year shall be derived from amounts authorized to be appropriated for operation and maintenance for the National Guard for that fiscal year.

“(f) **STATE DEFINED.**—In this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, and any territory of the United States.”

IMPLEMENTATION OF AGREEMENT ON RESTRUCTURING OF ARMY NATIONAL GUARD AND ARMY RESERVE

Pub. L. 103-335, title VIII, §8129, Sept. 30, 1994, 108 Stat. 2652, provided that:

“(a) **FINDING.**—Congress finds that the implementation of the off-site agreement may result in the loss to the Armed Forces of military personnel who have significant military experience and expertise.

“(b) **REASSIGNMENT OF MEMBERS.**—(1) To the maximum extent practicable, the Secretary of the Army shall ensure that members of the Armed Forces who would otherwise be separated from service as a result of the deactivation of military units of the Army National Guard and the Army Reserve under the off-site agreement be reassigned instead to units that are not being deactivated.

“(2) The reassignment of a member under paragraph (1) shall not affect the grade or rank in grade of the member.

“(c) **REPORTS.**—Not later than April 15 and October 15 of each calendar year while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees a semi-annual report on the number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding six months.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘congressional defense committees’ means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

“(2) The term ‘off-site agreement’ means the agreement on the restructuring of the Army National Guard and the Army Reserve.”

GUARD AND RESERVE TRANSITION INITIATIVES

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8050], Sept. 30, 1996, 110 Stat. 3009-71, 3009-99, provided that: “During the current fiscal year and hereafter, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2714) [set out below] shall be made from appropriations in this Act [Pub. L. 104-208] which are available for the pay of reserve component personnel.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-61, title VIII, §8061, Dec. 1, 1995, 109 Stat. 664.

Pub. L. 103-335, title VIII, §8073, Sept. 30, 1994, 108 Stat. 2635.