

§ 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

(a) AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

- (1) terminate the reserve appointment of the officer; and
- (2) withdraw the officer's Federal recognition as an officer of the National Guard.

(b) DISCHARGE FROM RESERVE APPOINTMENT.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be. (Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2960.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3820(a), (b) and 8820 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(2), (c)(2).

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

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AMENDMENTS

- 2004—Pub. L. 108-375, div. A, title V, §527(c), Oct. 28, 2004, 118 Stat. 1894, added item for chapter 1607.
- 1999—Pub. L. 106-65, div. A, title V, §551(a)(2), Oct. 5, 1999, 113 Stat. 614, added item for chapter 1611.
- 1996—Pub. L. 104-106, div. A, title XV, §1501(b)(1), Feb. 10, 1996, 110 Stat. 495, substituted "Repayment Programs" for "Repayments" in item for chapter 1609.

CHAPTER 1601—TRAINING GENERALLY

[No present sections]

CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

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16135.	Failure to participate satisfactorily; penalties.
16136.	Administration of program.
[16137.]	Repealed.]

AMENDMENTS

- 2011—Pub. L. 112-81, div. A, title X, §1061(29)(B), Dec. 31, 2011, 125 Stat. 1584, struck out item 16137 "Biennial report to Congress".
- 2008—Pub. L. 110-252, title V, §5006(e)(2), June 30, 2008, 122 Stat. 2386, added item 16132a.
- Pub. L. 110-181, div. A, title V, §528(a)(2), Jan. 28, 2008, 122 Stat. 107, added item 16131a.
- 1999—Pub. L. 106-65, div. A, title V, §548(b), Oct. 5, 1999, 113 Stat. 609, substituted "Biennial report to Congress" for "Reports to Congress" in item 16137.
- 1996—Pub. L. 104-106, div. A, title XV, §1501(b)(33), Feb. 10, 1996, 110 Stat. 498, substituted "limitation" for "limitations" in item 16133.

§ 16131. Educational assistance program: establishment; amount

(a) To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Homeland Security, under regulations prescribed by the Secretary with respect to the Coast Guard when it is not operating as a service in the Navy, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the armed forces under the jurisdiction of the Secretary concerned who agree to remain members of the Selected Reserve for a period of not less than six years.

(b)(1) Except as provided in subsections (d) through (f), each educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned, through the Secretary of Veterans Affairs, to each person entitled to educational assistance under this chapter who is pursuing a program of education of an educational assistance allowance at the following rates:

- (A) \$251 (as increased from time to time under paragraph (2)) per month for each month of full-time pursuit of a program of education;
- (B) \$188 (as increased from time to time under paragraph (2)) per month for each month of three-quarter-time pursuit of a program of education;
- (C) \$125 (as increased from time to time under paragraph (2)) per month for each month of half-time pursuit of a program of education; and
- (D) an appropriately reduced rate, as determined under regulations which the Secretary of Veterans Affairs shall prescribe, for each month of less than half-time pursuit of a program of education, except that no payment may be made to a person for less than half-time pursuit if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

(2) With respect to any fiscal year, the Secretary shall provide a percentage increase