

of that amount is granted in advance by the Secretary of Defense.”

Subsec. (b)(2). Pub. L. 105-261, §1022(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “To ensure that the use of units and personnel of the National Guard of a State pursuant to a State drug interdiction and counter-drug activities plan is not detrimental to the training and readiness of such units and personnel, the requirements of section 2012(d) of title 10 shall apply in determining the drug interdiction and counter-drug activities that units and personnel of the National Guard of a State may perform.”

Subsec. (b)(3). Pub. L. 105-261, §1022(c), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “Section 508 of this title, regarding the provision of assistance to certain specified youth and charitable organizations, shall apply in any case in which a unit or member of the National Guard of a State is proposed to be used pursuant to a State drug interdiction and counter-drug activities plan to provide to an organization specified in subsection (d) of such section any of the services described in subsection (b) of such section or services regarding counter-drug education.”

Subsec. (i)(1). Pub. L. 105-261, §1022(d), inserted “, including drug demand reduction activities,” after “drug interdiction and counter-drug law enforcement activities”.

1997—Subsec. (b). Pub. L. 105-85, §1031(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (c)(4) to (6). Pub. L. 105-85, §1031(b)(1), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

Subsec. (e). Pub. L. 105-85, §1031(d), designated par. (1) as subsec. (e) and struck out par. (2) which read as follows: “The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual report specifying for the period covered by the report the number of members of the National Guard excluded under paragraph (1) from the computation of end strengths.”

Subsecs. (g) to (i). Pub. L. 105-85, §1031(c), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

1996—Subsec. (a). Pub. L. 104-106, §1021(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under subsection (b) sufficient funds for—

“(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State used for—

“(A) the purpose of drug interdiction and counter-drug activities; and

“(B) the operation and maintenance of the equipment and facilities of the National Guard of that State used for that purpose; and

“(2) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.”

Subsec. (b). Pub. L. 104-106, §1021(e), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 104-106, §1021(c), substituted “A State drug interdiction and counter-drug activities plan” for “A plan referred to in subsection (a)” in introductory provisions and “training” for “annual training” in par. (3) and added pars. (4) and (5).

Pub. L. 104-106, §1021(b)(3), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104-106, §1021(b)(3), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (g).

Subsec. (d)(1). Pub. L. 104-208 inserted at end “The plan as approved by the Secretary may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.”

Pub. L. 104-106, §1021(d)(1), inserted “and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)” after “under this section” and substituted “under subsection (c)” for “under subsection (b)”.

Subsec. (d)(3)(A). Pub. L. 104-106, §1021(d)(2)(A), substituted “subsection (c)” for “subsection (b)”.

Subsec. (d)(3)(B). Pub. L. 104-106, §1021(d)(2)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: “funds were provided to the State pursuant to such plan.”

Subsec. (e)(1). Pub. L. 104-106, §1021(h)(1), substituted “sections 12011 and 12012” for “sections 517 and 524”.

Subsec. (e)(2). Pub. L. 104-106, §1021(h)(2), substituted “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “the Committees on Armed Services of the Senate and House of Representatives”.

Subsec. (f). Pub. L. 104-106, §1021(f), added subsec. (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 104-106, §1021(b)(2), redesignated subsec. (d) as (g) and transferred it to appear before subsec. (h), as redesignated.

Subsec. (h). Pub. L. 104-106, §1021(b)(1), redesignated subsec. (f) as (h).

Subsec. (h)(1). Pub. L. 104-106, §1021(g), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘counter-drug activities’ includes the use of National Guard personnel, while not in Federal service, in any law enforcement activities authorized by State and local law and requested by the Governor.”

1992—Subsec. (e)(1). Pub. L. 102-396 inserted “(or during fiscal year 1993 otherwise implementing)” after “administering”.

1991—Subsec. (c)(2). Pub. L. 102-25 substituted “in consultation with the Director of National Drug Control Policy.” for “in consultation with—

“(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and

“(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 101.

### § 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

(a) **AUTHORITY.**—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

(b) **COVERED ACTIVITIES.**—(1) Except as provided in paragraph (2), financial assistance may be provided for the performance of an activity by the Army National Guard under subsection (a) only if—

(A) the activity is carried out in the performance of a responsibility of the Secretary of the Army under paragraph (6), (10), or (11) of section 3013(b) of title 10; and

(B) the Army National Guard was selected to perform the activity under competitive procedures that permit all qualified public-sector and private-sector sources to submit offers and be considered for selection to perform the activity on the basis of the offers.

(2) Paragraph (1)(B) does not apply to an activity that, on October 17, 1998, was performed for

the Federal Government by employees of the Federal Government or employees of a State.

(c) **DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.**—The Secretary of the Army shall disburse any contribution under this section through the Chief of the National Guard Bureau.

(d) **AVAILABILITY OF FUNDS.**—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.

(Added Pub. L. 105–85, div. A, title III, §386(a), Nov. 18, 1997, 111 Stat. 1712; amended Pub. L. 105–261, div. A, title III, §375(a), Oct. 17, 1998, 112 Stat. 1992; Pub. L. 106–65, div. A, title X, §1066(d)(4), Oct. 5, 1999, 113 Stat. 773.)

#### AMENDMENTS

1999—Subsec. (b)(2). Pub. L. 106–65 substituted “October 17, 1998” for “the date of the enactment of this subsection”.

1998—Subsec. (b). Pub. L. 105–261 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary of the Army under paragraphs (6), (10), and (11) of section 3013(b) of title 10.”

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–261, div. A, title III, §375(b), Oct. 17, 1998, 112 Stat. 1993, provided that: “Subsection (b)(1)(B) of section 113 of title 32, United States Code (as added by subsection (a) of this section), does not apply to—

“(1) financial assistance provided under that section before October 1, 1998; or

“(2) financial assistance for an activity that, before May 9, 1998, the Secretary of the Army identified in writing as being under consideration for supporting with financial assistance under that section.”

### § 114. Funeral honors functions at funerals for veterans

Subject to such regulations and restrictions as may be prescribed by the Secretary concerned, the performance of funeral honors functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of funeral honors functions at such a funeral may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 115 of this title.

(Added Pub. L. 105–85, div. A, title V, §517(a)(1), Nov. 18, 1997, 111 Stat. 1733; amended Pub. L. 105–261, div. A, title V, §567(d), Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106–65, div. A, title V, §578(g)(1), (k)(3)(A), Oct. 5, 1999, 113 Stat. 627, 631.)

#### AMENDMENTS

1999—Pub. L. 106–65, in section catchline, substituted “Funeral honors” for “Honor guard” and, in text, substituted “funeral honors functions” for “honor guard functions” in two places and “drill or training, but may be performed as funeral honors duty under section 115 of this title” for “drill or training otherwise required”.

1998—Pub. L. 105–261 designated subsec. (a) as entire section and struck out subsec. (b) which read as fol-

lows: “This section does not authorize additional appropriations for any fiscal year. Any expense of the National Guard that is incurred by reason of this section shall be paid from appropriations otherwise available for the National Guard.”

### § 115. Funeral honors duty performed as a Federal function

(a) **ORDER TO DUTY.**—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. 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 perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned. Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.

(b) **SERVICE CREDIT.**—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

(1) service credit under section 12732(a)(2)(E) of title 10; and

(2) as directed by the Secretary concerned, either—

(A) the allowance under section 435 of title 37; or

(B) compensation under section 206 of title 37.

(c) **REIMBURSABLE EXPENSES.**—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member’s residence.

(d) **REGULATIONS.**—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

(Added Pub. L. 106–65, div. A, title V, §578(g)(2), Oct. 5, 1999, 113 Stat. 627; amended Pub. L. 106–398, §1 [[div. A], title V, §575(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–138; Pub. L. 107–107, div. A, title V, §562(b), Dec. 28, 2001, 115 Stat. 1119.)

#### AMENDMENTS

2001—Subsec. (a). Pub. L. 107–107 inserted at end “Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”

2000—Subsec. (b)(2). Pub. L. 106–398 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “if authorized by the Secretary concerned, the allowance under section 435 of title 37.”

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–107 applicable to funeral honors duty performed on or after Oct. 30, 2000, see sec-