

ber 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 495 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 495 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; Pub. L. 112-81, div. A, title VI, §631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465.)

#### CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of title 37, United States Code, which were transferred and redesignated by "subsection (c)" of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

#### AMENDMENTS

2011—Subsecs. (a), (b)(2)(A). Pub. L. 112-81 substituted "495" for "435". See Codification note above.

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 section 562(c) of Pub. L. 107-107, set out as a note under section 12503 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

#### CHAPTER 3—PERSONNEL

Sec.	
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328.	Active Guard and Reserve duty: Governor's authority.
[329 to 335. Repealed.]	

#### AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, §526(b), Oct. 17, 2006, 120 Stat. 2196, added item 328.

2002—Pub. L. 107-314, div. A, title V, §512(d), Dec. 2, 2002, 116 Stat. 2537, added item 327 and struck out former items 327 "General courts-martial of National Guard not in Federal service", 328 "Special courts-martial of National Guard not in Federal service", 329 "Summary courts-martial of National Guard not in Federal service", 330 "Confinement instead of fine", 331 "Dismissal or dishonorable discharge", 332 "Compelling attendance of accused and witnesses", and 333 "Execution of process and sentence".

1994—Pub. L. 103-337, div. A, title XVI, §1676(a)(4), Oct. 5, 1994, 108 Stat. 3019, substituted "National Guard officers:" for "officers: Army National Guard:" in items 309 and 310.

1986—Pub. L. 99-661, div. A, title VI, §604(f)(2)(B), Nov. 14, 1986, 100 Stat. 3878, struck out item 318 "Compensation for disablement during training", item 319 "Compensation for disablement during training when not covered by section 318 of this title", item 320 "Hospitalization: when Secretary may require", and item 321 "Death gratuity".

1984—Pub. L. 98-525, title IV, §414(b)(2)(B), Oct. 19, 1984, 98 Stat. 2519, struck out item 335 "Status of certain members performing full-time duty".

1983—Pub. L. 98-94, title V, §504(b)(2), Sept. 24, 1983, 97 Stat. 632, added item 335.