

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 2013 AMENDMENT

Pub. L. 112–239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112–81 as enacted.

#### 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

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327.	Courts-martial of National Guard not in Federal service: convening authority.
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	Repealed.]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.

1981—Pub. L. 97–124, §3, Dec. 29, 1981, 95 Stat. 1666, struck out item 334 “Payment of malpractice liability of National Guard Medical personnel”.

1980—Pub. L. 96–513, title V, §515(1), Dec. 12, 1980, 94 Stat. 2937, inserted “of officers” after “recognition” in item 307.

1976—Pub. L. 94–464, §2(c), Oct. 8, 1976, 90 Stat. 1988, added item 334.

1961—Pub. L. 87–378, §5(2), Oct. 4, 1961, 75 Stat. 808, inserted “, reenlistments, and extensions” in item 302.

1958—Pub. L. 85–861, §2(8), Sept. 2, 1958, 72 Stat. 1544, added items 309 and 310.

#### REMOVAL OF RESTRICTIONS ON THE TRANSFER OF OFFICERS BETWEEN THE ACTIVE AND INACTIVE NATIONAL GUARD

Pub. L. 113–66, div. A, title V, §512, Dec. 26, 2013, 127 Stat. 752, as amended by Pub. L. 114–328, div. A, title V, §514, Dec. 23, 2016, 130 Stat. 2113, provided that:

“(a) ARMY NATIONAL GUARD.—During the period ending on December 31, 2019, under regulations prescribed by the Secretary of the Army:

“(1) An officer of the Army National Guard who fills a vacancy in a federally recognized unit of the Army National Guard may be transferred from the active Army National Guard to the inactive Army National Guard.

“(2) An officer of the Army National Guard transferred to the inactive Army National Guard pursuant to paragraph (1) may be transferred from the inactive Army National Guard to the active Army National Guard to fill a vacancy in a federally recognized unit.

“(b) AIR NATIONAL GUARD.—During the period ending on December 31, 2019, under regulations prescribed by the Secretary of the Air Force:

“(1) An officer of the Air National Guard who fills a vacancy in a federally recognized unit of the Air National Guard may be transferred from the active Air National Guard to the inactive Air National Guard.

“(2) An officer of the Air National Guard transferred to the inactive Air National Guard pursuant to paragraph (1) may be transferred from the inactive Air National Guard to the active Air National Guard to fill a vacancy in a federally recognized unit.”

### § 301. Federal recognition of enlisted members

To be eligible for Federal recognition as an enlisted member of the National Guard, a person must have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved. He becomes federally recognized upon enlisting in a federally recognized unit or organization of the National Guard.