

“(g) ANNUAL REPORT ON ACTIVITIES.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year. Each such report shall set forth a description of the activities of each National Guard counterdrug school for the fiscal year preceding the fiscal year during which the report is submitted, including—

“(1) the amount of funding made available and the appropriation account for each National Guard counterdrug school during such fiscal year;

“(2) the cumulative amount of funding made available for each National Guard counterdrug school during five fiscal years preceding such fiscal year;

“(3) a description of the curriculum and training used at each National Guard counterdrug school;

“(4) a description of how the activities conducted at each National Guard counterdrug school fulfilled Department of Defense counterdrug mission;

“(5) a list of the entities described in subsection (b) whose personnel received training at each National Guard counterdrug school; and

“(6) updates, if any, to the Department of Defense regulations prescribed under subsection (a).

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Not more than \$30,000,000 may be expended by the Secretary of Defense for purposes of the National Guard counterdrug schools in any fiscal year.

“(2) CONSTRUCTION.—The amount expended pursuant to paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.”

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 901(g) of Pub. L. 109-469, set out above, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of Title 10, Armed Forces.]

§ 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 7013(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, subject to the exceptions provided in section 2304(c) of title 10.

(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 dis-

burse 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; Pub. L. 108-375, div. A, title VIII, §806, Oct. 28, 2004, 118 Stat. 2010; Pub. L. 115-232, div. A, title VIII, §809(j), Aug. 13, 2018, 132 Stat. 1843.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1)(A). Pub. L. 115-232 substituted “section 7013(b) of title 10” for “section 3013(b) of title 10”.

2004—Subsec. (b)(1)(B). Pub. L. 108-375 inserted before period at end “”, subject to the exceptions provided in section 2304(c) of title 10”.

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.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of Title 10, Armed Forces.

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.)

Editorial Notes

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 follows: “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 495¹ 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 495¹ 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; Pub. L. 112–239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

Editorial Notes

REFERENCES IN TEXT

Section 495 of title 37, referred to in subsecs. (a) and (b)(2)(A), was renumbered section 435 of title 37 by Pub. L. 116–283, div. A, title VI, §604(b)(1), Jan. 1, 2021, 134 Stat. 3672.

AMENDMENTS

2013—Subsecs. (a), (b)(2)(A). Pub. L. 112–239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112–81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Subsecs. (a), (b)(2)(A). Pub. L. 112–81, §631(f)(4)(A), as amended by Pub. L. 112–239, §1076(a)(9), substituted “495” for “435”.

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.”

Statutory Notes and Related Subsidiaries

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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¹ See References in Text note below.