ment and Budget'' for ''Comptroller General'', and struck out former subpar. (B) which read as follows: ''the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and''.

Subsec. (b). Pub. L. 104–316, §116(2), substituted ''The Director of the Office of Management and Budget'' for ''Comptroller General'' in introductory provisions.

1991—Subsec. (a)(2)(A). Pub. L. 102–190 substituted ''$1,500'' for ''$500''.

1985—Pub. L. 99–224, §3(a)(1), substituted ''and travel'' for ''other than travel'' in section catchline.

Subsec. (a). Pub. L. 99–224, §3(a)(2), substituted ''made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances'' for '', other than travel and transportation allowances, made before or after October 2, 1972''.

Subsec. (b)(2). Pub. L. 99–224, §3(a)(3), struck out ''of pay or allowances, other than travel and transportation allowances,'' before ''was discovered''.

1980—Subsec. (a). Pub. L. 96–513 substituted ''October 2, 1972'' for ''the effective date of this section''.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–364 effective Mar. 1, 2007, see section 671(c) of Pub. L. 109–364, set out as a note under section 2774 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–316 effective 60 days after Oct. 19, 1996, see section 101(e) of Pub. L. 104–316, set out as a note under section 130c of Title 2, The Congress.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–224 applicable to any claim arising out of an erroneous payment of travel and transportation allowances made on or after Dec. 28, 1985, see section 4 of Pub. L. 99–224, set out as a note under section 5584 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

[§717. Repealed. Pub. L. 109–163, div. A, title V, §589(b)(2), Jan. 6, 2006, 119 Stat. 3279]

Section, added Pub. L. 108–375, div. A, title V, §520(b)(1), Oct. 28, 2004, 118 Stat. 1886, related to presentation of recognition items for retention purposes.

CHAPTER 9—HOMELAND DEFENSE ACTIVITIES

Sec.
901. Definitions.
902. Homeland defense activities: funds.
903. Regulations.
904. Homeland defense duty.
905. Funding assistance.
906. Requests for funding assistance.
907. Relationship to State duty.
908. Annual report.

§901. Definitions

In this chapter:

(1) The term ''homeland defense activity'' means an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States.

(2) The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(Added Pub. L. 108–375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

§902. Homeland defense activities: funds

The Secretary of Defense may provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary,[1] determines to be necessary and appropriate for participation by the National Guard units or members, as the case may be.

(Added Pub. L. 108–375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1878; amended Pub. L. 109–364, div. A, title X, §1071(b)(1), Oct. 17, 2006, 120 Stat. 2400.)

AMENDMENTS

2006—Pub. L. 109–364 struck out ''(a)'' before ''The Secretary''.

§903. Regulations

The Secretary of Defense shall prescribe regulations to implement this chapter.

(Added Pub. L. 108–375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

§904. Homeland defense duty

(a) FULL-TIME NATIONAL GUARD DUTY.—All duty performed under this chapter shall be considered to be full-time National Guard duty under section 502(f) of this title. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support or execute homeland defense activities performed by the National Guard under this chapter.

(b) DURATION.—The period for which a member of the National Guard performs duty under this chapter shall be limited to 180 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

(c) RELATIONSHIP TO REQUIRED TRAINING.—A member of the National Guard performing duty under this chapter shall, in addition to performing such duty, participate in the training required under section 502(a) of this title. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing the duty under this chapter. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State for homeland defense activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland defense activities that units and personnel of the National Guard of a State may perform:

(1) The performance of the activities is not to affect adversely the quality of that training

[1] So in original. The comma probably should not appear.

or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

(2) The performance of the activities is not to degrade the military skills of the members of the National Guard performing those activities.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

§ 905. Funding assistance

In the case of any homeland defense activity for which the Secretary of Defense determines under section 902 of this title that participation of units or members of the National Guard of a State is necessary and appropriate, the Secretary may provide funds to that State in an amount that the Secretary determines is appropriate for the following costs of the participation in that activity from funds available to the Department for related purposes:

(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State.

(2) The operation and maintenance of the equipment and facilities of the National Guard of that State.

(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

§ 906. Requests for funding assistance

A Governor of a State may request funding assistance for the homeland defense activities of the National Guard of that State from the Secretary of Defense. Any such request shall include the following:

(1) The specific intended homeland defense activities of the National Guard of that State.

(2) An explanation of why participation of National Guard units or members, as the case may be, in the homeland defense activities is necessary and appropriate.

(3) A certification that homeland defense activities are to be conducted at a time when the personnel involved are not in Federal service.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

§ 907. Relationship to State duty

Nothing in this chapter shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

§ 908. Annual report

(a) REQUIREMENT FOR REPORT.—After the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding any assistance provided and activities carried out under this chapter during that fiscal year. The report for a fiscal year shall be submitted not later than March 31 of the year following the year in which such fiscal year ended.

(b) CONTENT.—The report for a fiscal year shall include the following matters:

(1) The numbers of members of the National Guard excluded under subsection (i)(13) of section 115 of title 10 from being counted for the purpose of end-strengths authorized pursuant to subsection (a)(1) of such section.

(2) A description of the homeland defense activities conducted with funds provided under this chapter.

(3) An accounting of the amount of the funds provided to each State.

(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland defense activities under this chapter.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879; amended Pub. L. 109–364, div. A, title X, § 1071(b)(2), Oct. 17, 2006, 120 Stat. 2400.)

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109–364 substituted ''(i)(13)'' for ''(i)''.