

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 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.

(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) if authorized by the Secretary concerned, the allowance under section 435¹ 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.)

¹ See References in Text note below.

REFERENCES IN TEXT

Section 435 of title 37, referred to in subsec. (b)(2), probably means the section 435 which relates to funeral honors duty allowances and was added by Pub. L. 106-65, div. A, title V, §578(j), Oct. 5, 1999, 113 Stat. 630.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 114 of this title; title 10 sections 1074a, 1076, 1204, 1206, 1481, 12503, 12732; title 37 section 435.

CHAPTER 3—PERSONNEL

Sec.	
301.	Federal recognition of enlisted members.
302.	Enlistments, reenlistments, and extensions.
303.	Active and inactive enlistments and transfers.
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314.	Adjutants general.
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316.	Detail of members of Army National Guard for rifle instruction of civilians.
317.	Command during joint exercises with Federal troops.
[318 to 321.]	Repealed.]
322.	Discharge of enlisted members.
323.	Withdrawal of Federal recognition.
324.	Discharge of officers; termination of appointment.
325.	Relief from National Guard duty when ordered to active duty.
326.	Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures.
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.
333.	Execution of process and sentence.
[334, 335.]	Repealed.]

AMENDMENTS

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.