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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R.

To amend laws relating to duty performed by members of the reserve components of the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CISNEROS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend laws relating to duty performed by members of the reserve components of the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Duty Status Reform
5 Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

- Sec. 3. Consolidation of authorities to order reserve component members to perform duty.
- Sec. 4. Definition of contingency operation.
- Sec. 5. Coast Guard Reserve.
- Sec. 6. National Guard.
- Sec. 7. Alignment of benefits.
- Sec. 8. Alignment of survivor benefits.
- Sec. 9. Alignment of National Guard benefits.
- Sec. 10. Repeals.
- Sec. 11. Conforming amendments.
- Sec. 12. Conforming amendments related to the Space Force.
- Sec. 13. Conforming amendments related to inactive duty.
- Sec. 14. Transition provisions; statutory construction.
- Sec. 15. Effective date.

1 **SEC. 3. CONSOLIDATION OF AUTHORITIES TO ORDER RE-**
 2 **SERVE COMPONENT MEMBERS TO PERFORM**
 3 **DUTY.**

4 Chapter 1209 of title 10, United States Code, is
 5 amended to read as follows:

6 **“CHAPTER 1209—RESERVE DUTY AND**
 7 **ASSIGNMENTS**

“Subchapter	Sec
“I. Administration of Reserve Duty	12311
“II. Duty and Assignments: Authorities	12341
“III. Duty and Assignments: Purposes	12351

8 **“SUBCHAPTER I—ADMINISTRATION OF**
 9 **RESERVE DUTY**

10 **“§ 12311. Authority of President to suspend certain**
 11 **laws relating to promotion, retirement,**
 12 **and separation**

13 **“(a) IN GENERAL.—**Notwithstanding any other pro-
 14 vision of law, during any period a member of a reserve
 15 component is serving on active duty pursuant to section
 16 12341 of this title, the President may suspend any provi-

1 sion of law relating to promotion, retirement, or separa-
2 tion applicable to any member of the armed forces who
3 the President determines is essential to the national secu-
4 rity of the United States.

5 “(b) TERMINATION OF SUSPENSION.—A suspension
6 made under subsection (a) shall terminate on the earlier
7 of—

8 “(1) the date of the release from active duty of
9 a member of a reserve component ordered to active
10 duty under the authority of section 12341 of this
11 title; or

12 “(2) the date on which the President deter-
13 mines the circumstances that required the action of
14 ordering the member to active duty no longer exist.

15 “(c) 90-DAY EXTENSION OF SEPARATION OR RE-
16 TIREMENT DATE.—Upon the termination of a suspension
17 made under subsection (a) of a provision of law otherwise
18 requiring the separation or retirement of an officer on ac-
19 tive duty because of age, length of service or length of
20 service in grade, or failure of selection for promotion, the
21 Secretary concerned shall extend by up to 90 days the oth-
22 erwise required separation or retirement date of the officer
23 if the separation or retirement date, but for the suspen-
24 sion, would have occurred before the date of the termi-

1 nation of the suspension or within 90 days after the date
2 of such termination.

3 **“§ 12312. Use during expansion of armed forces**

4 “(a) OFFICERS NOT ASSIGNED TO A UNIT.—When
5 an expansion of the active armed forces requires that an
6 officer of a reserve component who is not a member of
7 a unit organized to serve as such be ordered as an indi-
8 vidual to active duty under section 12341 of this title with-
9 out the officer’s consent, the services of qualified and
10 available reserve officers in all grades shall be used, so
11 far as practicable, according to the needs of the branches,
12 grades, or specialties concerned.

13 “(b) STANDBY RESERVE.—(1) A unit or member in
14 the Standby Reserve may be ordered to active duty only
15 as provided in section 12341 of this title, but subject to
16 the limitations in paragraph (2).

17 “(2)(A) In time of war or national emergency de-
18 clared by Congress, or expansion of the force to meet na-
19 tional security requirements as determined by Congress,
20 a unit in the Standby Reserve organized to serve as a unit,
21 and a member of the Standby Reserve who is not assigned
22 to a unit, may be ordered to active duty under section
23 12341 of this title for a purpose described in section
24 12351(a)(1) of this title, subject to the limitations in sub-
25 paragraphs (B) and (C).

1 “(B) A unit in the Standby Reserve organized to
2 serve as a unit, and a member of the Standby Reserve
3 who is a member of such a unit, may be ordered to active
4 duty under section 12341 of this title for a purpose de-
5 scribed in section 12351(a)(1) of this title only if the Sec-
6 retary concerned, with the approval of the Secretary of
7 Defense in the case of a Secretary of a military depart-
8 ment, determines that there are not enough of the re-
9 quired kinds of units in the Ready Reserve that are readily
10 available.

11 “(C) A member in the Standby Reserve who is not
12 assigned to a unit may, without the consent of the mem-
13 ber, be ordered to active duty as an individual under sec-
14 tion 12341 of this title for a purpose described in section
15 12351(a)(1) of this title only if the Secretary concerned,
16 with the approval of the Secretary of Defense in the case
17 of a Secretary of a military department, determines that
18 there are not enough qualified members in the Ready Re-
19 serve in the required category who are readily available.

20 “(c) RETIRED RESERVE.—(1) A member in the Re-
21 tired Reserve, if qualified, may, without the consent of the
22 member, be ordered to active duty under section 12341
23 of this title but only for a purpose described in section
24 12351(a)(1) of this title.

1 “(2) A member of the Retired Reserve (other than
2 a member transferred to the Retired Reserve under section
3 12641(b)(2) of this title) who is ordered to active duty
4 or other appropriate duty in a retired status may be cred-
5 ited under chapter 1223 of this title with service per-
6 formed pursuant to such order.

7 “(3) A member of the Retired Reserve shall not be
8 eligible for promotion (or for consideration for promotion)
9 as a member of a reserve component.

10 **“§ 12313. Release from active duty**

11 “(a) IN GENERAL.—Except as otherwise provided in
12 this title, an authority designated by the Secretary con-
13 cerned may at any time release from active duty a member
14 of a reserve component under the jurisdiction of the Sec-
15 retary concerned.

16 “(b) WAR OR NATIONAL EMERGENCY.—(1) In time
17 of war or of national emergency declared by Congress or
18 the President after January 1, 1953, a member of a re-
19 serve component may be released from active duty (other
20 than for training) only if—

21 “(A) a board of officers, convened at the mem-
22 ber’s request by an authority designated by the Sec-
23 retary concerned, recommends the release and the
24 recommendation is approved;

1 “(B) the member waives the right to request
2 that a board of officers be convened to consider the
3 decision of the Secretary concerned to the release
4 the member from active duty; or

5 “(C) the member’s release is otherwise author-
6 ized by law.

7 “(2) This subsection does not apply to an armed force
8 during a period of demobilization or reduction in strength
9 of that armed force.

10 **“§ 12314. Active duty agreements**

11 “(a) WRITTEN AGREEMENT.—To provide a definite
12 term of active duty (other than for training) under section
13 12342 of this title for a member of a reserve component
14 with the member’s consent, an authority designated by the
15 Secretary concerned may make a standard written agree-
16 ment with the member requiring the member to serve for
17 a period of active duty (other than for training) of not
18 more than 5 years. When such an agreement expires, a
19 new one may be made. This subsection shall not apply in
20 time of war declared by Congress.

21 “(b) MINIMUM TERM.—An agreement shall not be
22 made under subsection (a) unless the specified period of
23 duty is at least 12 months longer than any period of active
24 duty that the member is otherwise required to perform.

1 “(c) UNIFORMITY; STANDARDS AND POLICIES.—
2 Agreements made under subsection (a) shall be uniform,
3 so far as practicable, and are subject to such standards
4 and policies as may be prescribed by the Secretary of De-
5 fense for the armed forces under the Secretary of De-
6 fense’s jurisdiction or by the Secretary of Homeland Secu-
7 rity for the Coast Guard when it is not operating as a
8 service in the Navy.

9 “(d) WAR OR NATIONAL EMERGENCY.—If an agree-
10 ment made under subsection (a) expires during a war or
11 during a national emergency declared by Congress or the
12 President after January 1, 1953, the member concerned
13 may, without the consent of the member, be kept on active
14 duty as otherwise prescribed by law.

15 “(e) EARLY RELEASE.—(1) An agreement made
16 under subsection (a) shall provide that the member will
17 not, without the consent of the member, be released from
18 active duty during the period of the agreement—

19 “(A) because of a reduction in the actual per-
20 sonnel strength of the armed force concerned, unless
21 the release is in accordance with the recommenda-
22 tion of a board of officers appointed by an authority
23 designated by the Secretary concerned to determine
24 the members to be released from active duty under
25 regulations prescribed by the Secretary; or

1 “(B) for any other reason, without an oppor-
2 tunity to be heard by a board of officers before the
3 release, unless the member is—

4 “(i) dismissed or discharged under the sen-
5 tence of a court-martial;

6 “(ii) released because of an unexplained
7 absence without leave for at least 3 months;

8 “(iii) released because the member is con-
9 victed and sentenced to confinement in a Fed-
10 eral or State penitentiary or correctional insti-
11 tution and the sentence has become final; or

12 “(iv) released because the member has
13 been considered at least twice and has not been
14 recommended for promotion to the next higher
15 grade or because the member is considered as
16 having failed of selection for promotion to the
17 next higher grade and has not been rec-
18 ommended for promotion to that grade, under
19 conditions that would require the release or sep-
20 aration of a reserve component officer who is
21 not serving under such agreement.

22 “(2) A member who is, without the consent of the
23 member, released from active duty before the end of the
24 member’s agreement made under subsection (a) is entitled
25 to an amount computed by multiplying the number of

1 years and fractions of a year of the member's unexpired
2 period of service under the agreement by the sum of one
3 month's basic pay, special pay, and allowances to which
4 the member is entitled on the day of the member's release.
5 The amount to which a member is entitled under this
6 paragraph is in addition to any pay and allowances to
7 which the member is otherwise entitled. For the purposes
8 of this paragraph, a fraction of a month of 15 days or
9 more is counted as a whole month, and a fraction of a
10 month of less than 15 days is disregarded. This paragraph
11 shall not apply to a member if the member is—

12 “(A) released for a reason described in clauses
13 (i), (ii) or (iii) of paragraph (1)(B);

14 “(B) released because of a physical disability
15 resulting from the member's intentional misconduct
16 or willful neglect;

17 “(C) eligible for retired pay, separation pay, or
18 severance pay under another provision of law;

19 “(D) placed on a temporary disability retired
20 list; or

21 “(E) released to accept an appointment, or to
22 be enlisted, in a regular component of an armed
23 force.

1 **“§ 12315. Officers: grade in which ordered to active**
2 **duty**

3 “An officer of a reserve component who is ordered
4 to active duty or full-time National Guard duty shall be
5 ordered to active duty or full-time National Guard duty
6 in the officer’s reserve grade, except that such an officer
7 who is credited with service under section 12207 of this
8 title, is ordered to active duty, and placed on the active-
9 duty list, may be ordered to active duty in a reserve grade
10 and with a date of rank and position on the active-duty
11 list determined under regulations prescribed by the Sec-
12 retary of Defense based upon the amount of service cred-
13 ited.

14 **“§ 12316. Kinds of duty**

15 “Notwithstanding any other provision of law, a mem-
16 ber of a reserve component who is on active duty other
17 than for training may, under regulations prescribed by the
18 Secretary concerned, be detailed or assigned to any duty
19 authorized by law for a member of the regular component
20 of the armed force concerned.

21 **“§ 12317. Retention after becoming qualified for re-**
22 **tired pay**

23 “Any person who has qualified for retired pay under
24 chapter 1223 of this title may, with the person’s consent
25 and by order of an authority designated by the Secretary
26 concerned, be retained on active duty, or in service in a

1 reserve component other than that listed in section
2 12732(b) of this title. A member so retained shall be cred-
3 ited with that duty or service for all purposes.

4 **“§ 12318. Duty with or without pay**

5 “(a) IN GENERAL.—Subject to other provisions of
6 this title, any member of a reserve component may be or-
7 dered to active duty or other duty—

8 “(1) with the pay and allowances provided by
9 law; or

10 “(2) with the member’s consent, without pay.

11 “(b) DUTY WITHOUT PAY.—Duty without pay de-
12 scribed in subsection (a)(2) shall be considered for all pur-
13 poses (other than pay) as if the duty without pay were
14 duty with pay.

15 “(c) PAY AND ALLOWANCES FOR RESERVE COMPO-
16 NENT MEMBERS RETAINED ON ACTIVE DUTY.—A mem-
17 ber of a reserve component who is retained on active duty
18 after the member’s term of service expires is entitled to
19 pay and allowances while on that duty, except that the
20 pay and allowances may be forfeited—

21 “(1) under the approved sentence of a court-
22 martial;

23 “(2) by non-judicial punishment by a com-
24 manding officer; or

1 “(3) when the member is otherwise in a non-
2 pay status.

3 **“§ 12319. Payment of certain members while on duty**

4 “(a) IN GENERAL.—Except as provided by subsection
5 (b), a member of a reserve component who because of the
6 member’s earlier military service is entitled to a pension,
7 retired or retainer pay, or disability compensation, and
8 who performs duty for which the member is entitled to
9 compensation, may elect to receive for that duty either—

10 “(1) the payments to which the member is enti-
11 tled because of the member’s earlier military service;
12 or

13 “(2) if the member specifically waives those
14 payments, the pay and allowances authorized by law
15 for the duty that the member is performing.

16 “(b) PAYMENTS.—Unless the payments described in
17 subsection (a)(1) are greater than the compensation de-
18 scribed in subsection (a)(2), a member of a reserve compo-
19 nent who because of the member’s earlier military service
20 is entitled to a pension, retired or retainer pay, or dis-
21 ability compensation, and who upon being ordered to ac-
22 tive duty for a period of more than 30 days in time of
23 war or national emergency is found physically qualified to
24 perform that duty, ceases to be entitled to the payments
25 because of the member’s earlier military service until the

1 period of active duty ends. While on that active duty, the
2 member is entitled to the compensation described in sub-
3 section (a)(2). Other rights and benefits of the member
4 or the member's dependents are unaffected by this sub-
5 section.

6 **“§ 12320. Theological students: limitations**

7 “A member of a reserve component shall not be re-
8 quired to serve on active duty, or to participate in reserve
9 component duty, while preparing for the ministry in a rec-
10 ognized theological or divinity school.

11 **“§ 12321. Reserve officer training corps units: limita-**
12 **tion on number of reserve component**
13 **members assigned**

14 “The number of members of the reserve components
15 serving on active duty or full-time National Guard duty
16 for the purpose of organizing, administering, recruiting,
17 instructing, or training the reserve components, who are
18 assigned to duty with a unit of the Reserve Officer Train-
19 ing Corps program, shall not exceed 275.

20 **“§ 12322. Regulations**

21 “(a) IN GENERAL.—The Secretary of Defense, and
22 the Secretary of Homeland Security in the case of the
23 Coast Guard when it is not operating as a service in the
24 Navy, shall prescribe such regulations for the reserve com-
25 ponents of the armed forces under their respective juris-

1 ditions as the Secretary of Defense and the Secretary of
2 Homeland Security, respectively, consider necessary to
3 carry out this chapter.

4 “(b) ARMY NATIONAL GUARD AND AIR NATIONAL
5 GUARD.—A member of the Army National Guard of the
6 United States or the Air National Guard of the United
7 States who consents to an order to active duty under sec-
8 tion 12341 or 12342 of this title shall not be ordered to
9 such duty without the consent of the Governor or other
10 appropriate authority of the State concerned. The consent
11 of a Governor or other appropriate authority described in
12 the preceding sentence may not be withheld (in whole or
13 in part) with regard to active duty outside the United
14 States, the Commonwealth of Puerto Rico, the District of
15 Columbia, a territory of the United States, or a possession
16 of the United States because of any objection to the loca-
17 tion, purpose, type, or schedule of such active duty.

18 “(c) CONSIDERATIONS FOR INVOLUNTARY ORDER TO
19 ACTIVE DUTY.—In determining which units or members
20 of the reserve components may, without the consent of the
21 members, be ordered to active duty under section 12341
22 of this title for any purpose described in section 12351
23 of this title, the Secretary of Defense shall prescribe such
24 policies and procedures as the Secretary determines nec-

1 essary to carry out this subsection. Such policies and pro-
2 cedures shall take into consideration—

3 “(1) the length and nature of previous service,
4 to ensure such sharing of exposure to hazards as na-
5 tional security and military requirements will reason-
6 ably allow;

7 “(2) the frequency of assignments during serv-
8 ice career;

9 “(3) family responsibilities; and

10 “(4) employment necessary to maintain the na-
11 tional health, safety, or interest.

12 “(d) CONTINUOUS PERIOD OF DUTY.—(1) When the
13 authority or purpose for a member of a reserve component
14 to serve on active duty or full-time National Guard duty
15 changes with no break in service—

16 “(A) the order to active duty shall be amended
17 to cite the new authority or purpose and the applica-
18 ble funding; and

19 “(B) the member shall remain on the same
20 order to duty.

21 “(2) If a member is released from active duty or full-
22 time National Guard duty and subsequently ordered to ac-
23 tive duty or full-time National Guard duty with a break
24 in service of 24 hours or fewer, the period of service shall

1 be treated as continuous Federal service for the purposes
2 of pay and benefits, unless otherwise specified in law.

3 “(e) DOCUMENTATION OF MANPOWER AND APPRO-
4 PRIATIONS.—To account for manpower utilization and ex-
5 penditure of appropriations—

6 “(1) each order to active duty described in this
7 chapter shall cite the authority and the purpose of
8 the order to duty, and each amendment to such
9 order shall cite the new authority or purpose of the
10 duty if the authority or purpose changes; and

11 “(2) the purpose of the reserve component duty
12 described in this chapter and the associated funding
13 shall be documented.

14 “SUBCHAPTER II—DUTY AND ASSIGNMENTS:
15 AUTHORITIES

“Sec.

“12341. Category I: active duty.

“12342. Category II: active duty.

“12343. Category III: reserve component duty.

“12344. Category IV: remote assignments.

16 “§ 12341. **Category I: active duty**

17 “(a) IN GENERAL.—(1) Under regulations prescribed
18 by the Secretary of Defense, or the Secretary of Homeland
19 Security in the case of the Coast Guard when it is not
20 operating as a service in the Navy, an authority des-
21 igned by the Secretary concerned may order a member
22 of a reserve component under the jurisdiction of the Sec-
23 retary concerned to active duty, or retain the member on

1 active duty, for a purpose described in section 12351 of
2 this title.

3 “(2) Duty performed pursuant to an order to active
4 duty under this section shall be known as category I active
5 duty.

6 “(3) A member in the Standby Reserve on the inac-
7 tive status list who is ordered to active duty under this
8 section shall be subject to the limitations described in sec-
9 tion 10153 of this title.

10 “(b) MEMBER CONSENT.—(1) A member of a reserve
11 component may, with or without the consent of the mem-
12 ber, be ordered to active duty under this section.

13 “(2) A member of a reserve component who is, with-
14 out the consent of the member, ordered to active duty
15 under this section shall not be retained on active duty be-
16 yond the duration described in section 12351 of this title,
17 if any, for the purpose of that duty.

18 “(3) A member of a reserve component who is, with
19 the consent of the member, ordered to active duty under
20 this section shall not be subject to a duration or strength
21 limitation described in section 12351 of this title, if any,
22 for the purpose of that duty.

23 **“§ 12342. Category II: active duty**

24 “(a) IN GENERAL.—(1) Under regulations prescribed
25 by the Secretary of Defense, or the Secretary of Homeland

1 Security in the case of the Coast Guard when it is not
2 operating as a service in the Navy, an authority des-
3 ignated by the Secretary concerned may order a member
4 of a reserve component under the jurisdiction of the Sec-
5 retary concerned to active duty, or retain the member on
6 active duty, for a purpose described in section 12352 of
7 this title.

8 “(2) Duty performed pursuant to an order to active
9 duty under this section shall be known as category II ac-
10 tive duty.

11 “(3) A member in the Standby Reserve on the inac-
12 tive status list who is ordered to active duty under this
13 section shall be subject to the limitations described in sec-
14 tion 10153 of this title.

15 “(b) MEMBER CONSENT.—The consent of a member
16 of a reserve component shall be required for an order to
17 active duty under this section, except—

18 “(1) when the member is made the subject of
19 proceedings described in section 12352(a) of this
20 title;

21 “(2) when the member is placed in a missing
22 status described in section 12352(b) of this title; or

23 “(3) for required training described in section
24 12352(c) of this title.

1 “(c) CATEGORY I OPERATION OR MISSION EXCLU-
2 SION.—Except as provided in section 12351(e) of this
3 title, a member of a reserve component shall not be or-
4 dered to or retained on active duty under this section if
5 that duty is in support of an operation or mission for
6 which a member of a reserve component is ordered to ac-
7 tive duty under section 12341 of this title for such oper-
8 ation or mission.

9 **“§ 12343. Category III: reserve component duty**

10 “(a) IN GENERAL.—(1) Under regulations prescribed
11 by the Secretary of Defense, or the Secretary of Homeland
12 Security in the case of the Coast Guard when it is not
13 operating as a service in the Navy, an authority des-
14 ignated by the Secretary concerned—

15 “(A) may require or authorize a member of the
16 Army Reserve, Navy Reserve, Marine Corps Reserve,
17 Air Force Reserve, or Coast Guard Reserve, under
18 the jurisdiction of the Secretary concerned, to per-
19 form reserve component duty for a purpose de-
20 scribed in section 12353 of this title; and

21 “(B) may require a member of a reserve compo-
22 nent to perform reserve component duty for the pur-
23 pose described in section 12353(b) of this title.

24 “(2) Duty performed pursuant to a requirement or
25 authorization to perform reserve component duty under

1 this section shall be known as category III reserve compo-
2 nent duty.

3 “(b) MEMBER CONSENT.—(1) A member described
4 in subsection (a) shall, without the consent of the member,
5 be required to perform reserve component duty under this
6 section for—

7 “(A) required training described in section
8 12353(a) of this title; or

9 “(B) muster described in section 12353(b) of
10 this title.

11 “(2) A member described in subsection (a) may, with
12 the consent of the member, be authorized to perform re-
13 serve component duty under this section for—

14 “(A) additional training described in section
15 12353(c) of this title; or

16 “(B) support activities or requirements de-
17 scribed in section 12353(d) of this title.

18 “(c) PERIOD OF SERVICE.—(1) Each period of re-
19 serve component duty performed under this section shall
20 be for a duration of not fewer than 2 hours.

21 “(2) Not more than 2 periods of reserve component
22 duty may be performed under this section in a calendar
23 day.

24 “(d) HOSTILE FIRE OR IMMINENT DANGER
25 AREAS.—A member described in subsection (a) shall not

1 perform reserve component duty under this section if the
2 location of that duty is in a designated hostile fire or an
3 imminent danger area.

4 “(e) CATEGORY I OPERATION OR MISSION EXCLU-
5 SION.—A member described in subsection (a) shall not
6 perform reserve component duty under this section if that
7 duty is in support of an operation or mission for which
8 a member of a reserve component is ordered to active duty
9 under section 12341 of this title for such operation or mis-
10 sion.

11 **“§ 12344. Category IV: remote assignments**

12 “(a) IN GENERAL.—(1) Under regulations prescribed
13 by the Secretary of Defense, or the Secretary of Homeland
14 Security in the case of the Coast Guard when it is not
15 operating as a service in the Navy, an authority des-
16 igned by the Secretary concerned, at the discretion of
17 that authority, may assign a member of the Ready Reserve
18 or Standby Reserve in an active status—

19 “(A) work described in section 12354(a)(1) of
20 this title that has been pre-approved by the Sec-
21 retary concerned; or

22 “(B) a course of instruction described in section
23 12354(a)(2) of this title that has been pre-approved
24 by the Secretary concerned.

1 **“§ 12351. Category I: active duty purposes**

2 “(a) CONGRESSIONAL DECLARATIONS AND DETER-
3 MINATIONS.—(1)(A) A unit, or a member not assigned to
4 a unit organized to serve as a unit, of a reserve component
5 under the jurisdiction of the Secretary concerned may be
6 ordered to active duty under section 12341 of this title
7 for the purpose of—

8 “(i) supporting operations and missions
9 during a war or national emergency declared by
10 Congress; or

11 “(ii) meeting national security require-
12 ments when Congress determines that more
13 units and organizations are needed for national
14 security than are in the regular component.

15 “(B)(i) A member who is, without the consent of the
16 member, ordered to active duty for the purpose described
17 in paragraph (1)(A)(i) shall not be required to serve for
18 longer than the duration of the war or national emergency,
19 as appropriate, and for 6 months thereafter.

20 “(ii) A member who is, without the consent of the
21 member, ordered to active duty for the purpose described
22 in paragraph (1)(A)(ii) may be retained on active duty as
23 long as so needed.

24 “(2) So far as practicable, during any expansion of
25 the active armed forces that requires that a reserve compo-
26 nent unit or member be ordered to active duty for the pur-

1 pose described in paragraph (1)(A)(i), a member of a unit
2 organized and trained to serve as a unit who is, without
3 the consent of the member, ordered to that duty shall be
4 so ordered with the member's unit. However, a member
5 of that unit may be reassigned after being so ordered to
6 active duty.

7 “(3) A member on an inactive status list or in a re-
8 tired status shall not, without the consent of the member,
9 be ordered to active duty under section 12341 of this title
10 for the purpose described in paragraph (1)(A)(i) unless
11 the Secretary concerned, with the approval of the Sec-
12 retary of Defense in the case of the Secretary of a military
13 department, determines that there are not enough quali-
14 fied members of a reserve component in an active status
15 or in the inactive National Guard in the required category
16 who are readily available.

17 “(b) PRESIDENTIAL CALL-UP.—

18 “(1) INSURRECTION.—(A)(i) The militia of any
19 State (other than the State requesting assistance
20 under subclause (I) of this clause) may be called
21 into Federal service under section 12341 of this title
22 for use with such of the armed forces as the Presi-
23 dent determines necessary—

24 “(I) for the purpose of responding,
25 when there is an insurrection in any State

1 against the State’s government, upon the
2 request of the State’s legislature, or of the
3 State’s Governor if the legislature cannot
4 be convened, and in the number requested
5 by that State;

6 “(II) for the purpose of responding,
7 when the President considers that unlawful
8 obstructions, combinations, or assemblages,
9 or rebellion against the authority of the
10 United States make it impracticable to en-
11 force the laws of the United States in any
12 State by the ordinary course of judicial
13 proceedings or to suppress the rebellion; or

14 “(III) for the purpose of responding,
15 when the President determines it is nec-
16 essary to suppress, in a State, any insur-
17 rection, domestic violence, unlawful com-
18 bination, or conspiracy, if the insurrection,
19 domestic violence, unlawful combination, or
20 conspiracy—

21 “(aa) so hinders the execution of
22 the laws of that State, and of the
23 United States within the State, that
24 any part or class of its people is de-
25 prived of a right, privilege, immunity,

1 or protection named in the Constitu-
2 tion and secured by law, and the con-
3 stituted authorities of that State are
4 unable, fail, or refuse to protect that
5 right, privilege, or immunity, or to
6 give that protection; or

7 “(bb) opposes or obstructs the
8 execution of the laws of the United
9 States or impedes the course of justice
10 under those laws.

11 “(ii) In any situation covered by clause
12 (i)(III)(aa), the State shall be considered to have de-
13 nied the equal protection of the laws secured by the
14 Constitution.

15 “(iii) When the President considers it necessary
16 to use the militia or the armed forces under this
17 subparagraph, the President shall, by proclamation,
18 immediately order the insurgents to disperse and re-
19 tire peaceably to their abodes within a limited time.

20 “(B)(i) A member or unit of the National
21 Guard of any State, in such numbers as the Presi-
22 dent considers necessary, may be called into Federal
23 service under section 12341 of this title for the pur-
24 pose of supporting missions and operations when—

1 “(I) the United States, the Commonwealth
2 of Puerto Rico, the District of Columbia, a ter-
3 ritory of the United States, or a possession of
4 the United States are invaded or is in danger
5 of invasion by a foreign nation;

6 “(II) there is a rebellion or danger of a re-
7 bellion against the authority of the Government
8 of the United States; or

9 “(III) the President is unable with the reg-
10 ular forces to execute the laws of the United
11 States.

12 “(ii) When the President calls a member or unit
13 of the National Guard of any State into Federal
14 service pursuant to clause (i), orders shall be issued
15 through the Governor of the State, or in the case of
16 the District of Columbia through the commanding
17 general of the National Guard of the District of Co-
18 lumbia.

19 “(C) In this paragraph the term ‘State’ means
20 any State of the United States, the District of Co-
21 lumbia, the Commonwealth of Puerto Rico, the
22 United States Virgin Islands, and Guam.

23 “(D)(i) The repeal of the provisions described
24 in clause (ii) and the replacement of those provisions
25 with this paragraph shall not be construed as an ex-

1 pansion or limitation of the authorities granted
2 under those provisions. The intent of such repeal
3 and replacement is to reorganize the provisions de-
4 scribed in clause (ii) in order to reduce the number
5 of authorities for ordering members of the reserve
6 components and militia to duty and to align those
7 authorities with identified benefits.

8 “(ii) The provisions described in this clause are
9 the following provisions of law as in effect on the
10 day before the effective date of this section:

11 “(I) Chapter 13 of this title (commonly
12 known as the ‘Insurrection Act’).

13 “(II) Section 12406 of this title.

14 “(2) READY RESERVE MOBILIZATION.—(A) A
15 unit, or a member not assigned to a unit organized
16 to serve as a unit, of the Ready Reserve under the
17 jurisdiction of the Secretary concerned may be or-
18 dered to active duty under section 12341 of this title
19 for the purpose of supporting missions and oper-
20 ations in connection with a national emergency de-
21 clared by the President.

22 “(B) A member who is, without the consent of
23 the member, ordered to active duty for the purpose
24 described in subparagraph (A) shall serve for not
25 more than 24 consecutive months.

1 “(C) Not more than 1,000,000 members of the
2 Ready Reserve may, without the consent of the
3 members, be on active duty at any one time for the
4 purpose described in subparagraph (A).

5 “(3) FORCE AUGMENTATION: COVERED EMER-
6 GENCIES; SIGNIFICANT CYBER EVENTS.—(A)(i) A
7 unit, or a member not assigned to a unit organized
8 to serve as a unit, of the Selected Reserve (as de-
9 scribed in section 10143(a) of this title), or a mem-
10 ber in the Individual Ready Reserve mobilization
11 category (as described in section 10144(b) of this
12 title) and designated as essential under regulations
13 prescribed by the Secretary concerned, may be or-
14 dered to active duty under section 12341 of this title
15 when the President determines it is necessary to
16 augment the active force other than in time of war
17 or national emergency for the purpose of providing
18 assistance for a covered emergency.

19 “(ii) In this paragraph, the term ‘covered emer-
20 gency’ means an emergency involving—

21 “(I) a use or threatened use of a weapon
22 of mass destruction (as defined in section 1403
23 of the Defense Against Weapons of Mass De-
24 struction Act of 1996 (50 U.S.C. 2302)); or

1 “(II) a terrorist attack or threatened ter-
2 rorist attack in the United States that results,
3 or could result, in significant loss of life or
4 property.

5 “(B)(i) A unit, or a member not assigned to a
6 unit organized to serve as a unit, of the Selected Re-
7 serve (as described in section 10143(a) of this title),
8 may be ordered to active duty under section 12341
9 of this title when the Secretary of Defense or the
10 Secretary of the department in which the Coast
11 Guard is operating determines that it is necessary to
12 augment the active armed forces for the response of
13 the Department of Defense or other department
14 under which the Coast Guard is operating, respec-
15 tively, to a significant cyber incident.

16 “(ii) In this paragraph, the term ‘significant
17 cyber incident’ means—

18 “(I) a cyber incident involving a Depart-
19 ment of Defense information system, or a
20 breach of a Department of Defense system that
21 involves personally identifiable information, that
22 the Secretary of Defense determines is likely to
23 result in demonstrable harm to the national se-
24 curity interests, foreign relations, or the econ-
25 omy of the United States, or to the public con-

1 confidence, civil liberties, or public health and safe-
2 ty of the people of the United States;

3 “(II) a cyber incident involving a Depart-
4 ment of Homeland Security information system,
5 or a breach of a Department of Homeland Se-
6 curity system that involves personally identifi-
7 able information, that the Secretary of Home-
8 land Security determines is likely to result in
9 demonstrable harm to the national security in-
10 terests, foreign relations, or the economy of the
11 United States, or to the public confidence, civil
12 liberties, or public health and safety of the peo-
13 ple of the United States;

14 “(III) a cyber incident, or collection of re-
15 lated cyber incidents, that the President deter-
16 mines is likely to result in demonstrable harm
17 to the national security interests, foreign rela-
18 tions, or economy of the United States or to the
19 public confidence, civil liberties, or public health
20 and safety of the people of the United States;
21 or

22 “(IV) a significant incident declared pursu-
23 ant to section 2233 of the Homeland Security
24 Act of 2002 (6 U.S.C. 677b).

1 “(C) A unit or member described in this para-
2 graph shall not—

3 “(i) provide assistance under this para-
4 graph for a purpose described in paragraph (1);

5 “(ii) provide assistance under this para-
6 graph to the Federal Government or a State for
7 a serious natural or manmade disaster, acci-
8 dent, or catastrophe (other than a covered
9 emergency or significant cyber incident); or

10 “(iii) provide assistance under this para-
11 graph for a covered emergency unless the Presi-
12 dent determines that the requirements for re-
13 sponding to the covered emergency have exceed-
14 ed, or will exceed, the response capabilities of
15 local, State, and Federal civilian agencies.

16 “(D) Not more than 200,000 members of
17 the Selected Reserve and Individual Ready Re-
18 serve, of whom not more than 30,000 may be
19 members of the Individual Ready Reserve, may,
20 without the consent of the members, be on ac-
21 tive duty for the purpose of this paragraph at
22 any one time.

23 “(E) A member of a reserve component
24 who is, without the consent of the member, or-
25 dered to active duty for the purpose of this

1 paragraph may be required to serve for not
2 more than 365 consecutive days.

3 “(F) Whenever the President authorizes
4 the Secretary of Defense or the Secretary of
5 Homeland Security to order a unit or member
6 of the Selected Reserve or Individual Ready Re-
7 serve to active duty under section 12341 of this
8 title for a purpose described in this paragraph,
9 the President shall, within 24 hours after exer-
10 cising such authority, submit to Congress a re-
11 port, in writing, setting forth the circumstances
12 necessitating the action and describing the an-
13 ticipated use of the units or members.

14 “(G)(i) Whenever a unit of the Selected
15 Reserve or a member of the Selected Reserve
16 not assigned to a unit organized to serve as a
17 unit, or a member of the Individual Ready Re-
18 serve, is ordered to active duty under section
19 12341 of this title for a purpose described in
20 subparagraph (A), the service of all units or
21 members so ordered to active duty may be ter-
22 minated by—

23 “(I) order of the President; or

24 “(II) law.

1 “(ii) Whenever a unit of the Selected Re-
2 serve or a member of the Selected Reserve not
3 assigned to a unit organized to serve as a unit
4 is ordered to active duty under section 12341 of
5 this title for a purpose described in subpara-
6 graph (B), the service of all units or members
7 so ordered to active duty may be terminated
8 by—

9 “(A) order of the Secretary of Defense or,
10 with respect to the Coast Guard, the Secretary
11 of the Department in which the Coast Guard is
12 operating; or

13 “(B) law.

14 “(H) Nothing contained in this paragraph
15 may be construed as amending or limiting the
16 application of the provisions of the War Powers
17 Resolution (50 U.S.C. 1541 et seq.).

18 “(I) In this paragraph, the term ‘State’
19 means a State of the United States, the Dis-
20 trict of Columbia, the Commonwealth of Puerto
21 Rico, the United States Virgin Islands, and
22 Guam.

23 “(c) ACTIVATION FOR A MAJOR DISASTER OR EMER-
24 GENCY.—(1) When a Governor requests Federal assist-
25 ance, a unit, or a member not assigned to a unit organized

1 to serve as a unit, of the Army Reserve, Navy Reserve,
2 Marine Corps Reserve, or Air Force Reserve may be or-
3 dered to active duty under section 12341 of this title when
4 authorized by the Secretary of Defense for the purpose
5 of providing Federal assistance in responding to—

6 “(A) a major disaster or emergency (as those
7 terms are defined in section 102 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5122)); or

10 “(B) an emergency involving a manmade dis-
11 aster, a serious natural or manmade accident or ca-
12 tastrophe, or an act of terrorism (as that term is de-
13 fined in section 2(18) of the Homeland Security Act
14 of 2002 (6 U.S.C. 101(18)).

15 “(2) A member described in paragraph (1) who is,
16 without the consent of the member, ordered to active duty
17 for a purpose described in this subsection shall serve on
18 active duty for a continuous period of not more than 120
19 days.

20 “(3) Whenever a unit, or a member not assigned to
21 a unit organized to serve as a unit, is ordered to active
22 duty for a purpose described in this subsection, the service
23 of all units or members so ordered to active duty may be
24 terminated by—

25 “(A) order of the Secretary of Defense; or

1 “(B) law.

2 “(d) SECRETARY CONCERNED DETERMINATION OF
3 OPERATIONAL AND SUPPORT REQUIREMENTS.—

4 “(1) MISSING OR CAPTIVE.—(A)(i) A member
5 of a reserve component may, without the consent of
6 the member, be ordered to or retained on active duty
7 under section 12341 of this title for the purpose of
8 maintaining continuity of military service and pro-
9 viding pay, allowances, and benefits for the member
10 and continuity of benefits for eligible dependents of
11 the member if the Secretary concerned determines
12 that the member is in a missing status that occurs
13 as the result of a hostile action and is related to the
14 member’s military status.

15 “(ii) A member of a reserve component who was
16 in a missing status shall not be retained on active
17 duty for more than 30 days after the member’s
18 missing status is terminated, notwithstanding any
19 previous maximum period of service prescribed for
20 the purpose the member was ordered to active duty.

21 “(B) In this paragraph the term ‘missing sta-
22 tus’ means a status described in section 551(2) of
23 title 37.

24 “(2) PRE-PLANNED MISSION SUPPORT.—(A)(i)
25 A member or unit of the Selected Reserve may be

1 ordered to active duty under section 12341 of this
2 title for the purpose of providing support when the
3 Secretary of a military department determines that
4 it is necessary to augment the active forces for a
5 preplanned mission.

6 “(ii) A member who is, without the consent of
7 the member, ordered to active duty for the purpose
8 described in clause (i) shall serve on active duty for
9 not more than 365 consecutive days.

10 “(B)(i) A member or unit of the Selected Re-
11 serve may, without the consent of the member, be
12 ordered to active duty for the purpose described in
13 subparagraph (A)(i) only if—

14 “(I) the manpower and associated costs of
15 such active duty are specifically included and
16 identified in the defense budget materials (as
17 defined in section 231(f)(2) of this title) for the
18 fiscal year or years in which such units are an-
19 ticipated to be ordered to active duty;

20 “(II) the budget information on such costs
21 includes a description of the mission for which
22 such units are anticipated to be ordered to ac-
23 tive duty and the anticipated length of time of
24 the order of such units to active duty on a vol-
25 untary or an involuntary basis; and

1 “(III) the Secretary of the military depart-
2 ment concerned submits to Congress a report,
3 in writing, setting forth the circumstances ne-
4 cessitating the action taken under section
5 12341 for the purpose described in subpara-
6 graph (A)(i) and describing the anticipated use
7 of such units of the Selected Reserve ordered to
8 active duty.

9 “(ii) In the event the President’s budget is de-
10 livered later than April 1st in the year prior to the
11 year of the mobilization of one or more units under
12 this paragraph, the Secretary concerned may submit
13 to Congress the information required under clause
14 (i) in a separate notice.

15 “(C)(i) Each reserve component shall have not
16 more than 10 percent of its authorized end strength
17 for the Selected Reserve on active duty under this
18 paragraph, without the consent of the members, at
19 any one time.

20 “(ii) Upon determination that such an action is
21 in the national interest—

22 “(I) the Secretary of a military department
23 may increase the maximum strength authorized
24 in clause (i) for a reserve component by a num-
25 ber equal to not more than 2 percent of the au-

1 thorized end strength for the Selected Reserve
2 for that reserve component; and

3 “(II) the Secretary of Defense may in-
4 crease the maximum strength authorized in
5 clause (i) for a reserve component by a number
6 equal to not more than 3 percent of the author-
7 ized end strength for the Selected Reserve of
8 that reserve component.

9 “(iii) Any increase under clause (ii)(I) of the
10 maximum strength for a reserve component for a fis-
11 cal year shall be counted as part of the increase for
12 that reserve component for that fiscal year author-
13 ized under clause (ii)(II).

14 “(D) The service of all members and units
15 of the Selected Reserve ordered to active duty
16 for the purpose of this paragraph may be termi-
17 nated by—

18 “(i) order of the Secretary of the mili-
19 tary department concerned; or

20 “(ii) law.

21 “(E) Nothing contained in this paragraph
22 may be construed as amending or limiting the
23 application of the provisions of the War Powers
24 Resolution (50 U.S.C. 1541 et seq.).

1 “(e) SPECIAL RULE REGARDING CALL-UP RELATED
2 ACTIVITIES.—(1) A member of a reserve component may
3 be ordered to or retained on active duty under section
4 12341 of this title for the purpose of—

5 “(A) completing training that is required to
6 prepare the member for a category I active duty
7 purpose described in this section;

8 “(B) completing activities approved by the Sec-
9 retary concerned that are required to prepare the
10 member for a category I active duty purpose de-
11 scribed in this section;

12 “(C) receiving medical or dental care that is re-
13 quired to meet the deployment readiness standards
14 for a category I active duty purpose described in this
15 section;

16 “(D) undergoing medical evaluation or receiving
17 treatment or rehabilitation for an injury, illness, or
18 disease incurred or aggravated in the line of duty
19 while serving on active duty under section 12341 of
20 this title or full-time National Guard duty under sec-
21 tion 541 of title 32;

22 “(E) undergoing medical evaluation for dis-
23 ability separation or retirement under chapter 61 of
24 this title for an injury, illness, or disease incurred or
25 aggravated in the line of duty while serving on active

1 duty under section 12341 of this title or full-time
2 National Guard duty under section 541 of title 32;
3 or

4 “(F) participating in post-deployment and re-
5 integration activities approved by the Secretary con-
6 cerned following service on active duty under section
7 12341 of this title.

8 “(2)(A) A member of a reserve component on active
9 duty under section 12342 of this title who is performing
10 Active Guard and Reserve functions described in section
11 12352(f)(1) of this title may be ordered to active duty
12 under section 12341 of this title for the purpose of sup-
13 porting an operation or mission described in this section
14 while retaining the member’s status as an Active Guard
15 and Reserve.

16 “(B) During a period that a member described in
17 subparagraph (A) is serving on active duty under section
18 12341, the member may perform duties in connection with
19 any operation or mission for a purpose described in this
20 section, notwithstanding the limitations specified in sec-
21 tion 12352(f) of this title on the duties a member de-
22 scribed in subparagraph (A) is authorized to perform.

23 “(C) Funds available for the pay and allowances of
24 a member described in subparagraph (A) for performing
25 the duties described in section 12352(f)(1) of this title

1 shall be available for the pay and allowances of the mem-
2 ber while performing an operation or mission pursuant to
3 subparagraph (A).

4 **“§ 12352. Category II: active duty purposes**

5 “(a) DISCIPLINARY PROCEEDINGS.—A member of a
6 reserve component may, without the consent of the mem-
7 ber, be ordered to active duty under section 12342 of this
8 title for the purpose of being under the jurisdiction of mili-
9 tary authority when the member is made the subject of
10 proceedings under section 815 (article 15) or section 830
11 (article 30) of this title for an offense that occurred while
12 the member was on reserve component duty or traveling
13 to or from such duty, or during intervals between consecu-
14 tive periods or days of such duty, as provided in subsection
15 (d) of section 802 (article 2) of this title.

16 “(b) MISSING.—(1) A member of a reserve compo-
17 nent may, without the consent of the member, be ordered
18 to or retained on active duty under section 12342 of this
19 title for the purpose of maintaining continuity of military
20 service and providing pay, allowances, and benefits for the
21 member and continuity of benefits for eligible dependents
22 of the member if the Secretary places the member in a
23 missing status.

24 “(2) A member of a reserve component in a missing
25 status shall not be retained on active duty for the purpose

1 described in paragraph (1) for more than 30 days after
2 the member's missing status is terminated.

3 “(3) In this subsection the term ‘missing status’
4 means a status described in section 551(2)(A) of title 37.

5 “(c) REQUIRED TRAINING.—(1) Except as provided
6 in regulations prescribed by the Secretary of Defense, or
7 the Secretary of Homeland Security in the case of the
8 Coast Guard when it is not operating as a service in the
9 Navy, a member of the Ready Reserve of the Army Re-
10 serve, Navy Reserve, Marine Corps Reserve, Air Force Re-
11 serve, or Coast Guard Reserve (except a person who is
12 enlisted, inducted, or appointed in an armed force under
13 section 513 or 10145(b) of this title) shall be ordered to
14 active duty under section 12342 of this title for the pur-
15 pose of training for not less than 14 days (exclusive of
16 travel time) during each year.

17 “(2) A member described in paragraph (1) who has
18 served on active duty for one year or longer shall not be
19 required to perform a period of active duty for training
20 required under paragraph (1) if the first day of that pe-
21 riod falls during the last 120 days of the member's re-
22 quired membership in the Ready Reserve.

23 “(d) ADDITIONAL TRAINING AND SUPPORT.—At any
24 time, a member of a reserve component may, with the con-

1 sent of the member, be ordered to or retained on active
2 duty under section 12342 of this title for the purpose of—

3 “(1) additional training, as determined by the
4 Secretary concerned; or

5 “(2) providing operational support, other than
6 for missions or operations described in section
7 12351 of this title, as determined by the Secretary
8 concerned.

9 “(e) OTHER ACTIVITIES OR REQUIREMENTS.—At
10 any time, a member of a reserve component may, with the
11 consent of the member, be ordered to or retained on active
12 duty under section 12342 of this title for the purpose of—

13 “(1) preparing for or performing funeral honor
14 functions at the funeral of a veteran, as described in
15 section 1491 of this title;

16 “(2) receiving medical or dental care authorized
17 by the Secretary concerned;

18 “(3) undergoing medical evaluation for dis-
19 ability or other similar purposes;

20 “(4) participating in a Department of Defense
21 health care study, which may include an associated
22 medical evaluation for the member; or

23 “(5) performing an activity or requirement ap-
24 proved by the Secretary concerned.

1 “(f) ACTIVE GUARD AND RESERVE.—(1) A member
2 of a reserve component may, with the consent of the mem-
3 ber, be ordered to active duty under section 12342 of this
4 title for the purpose of performing the Active Guard and
5 Reserve functions of organizing, administering, recruiting,
6 instructing, or training the reserve components.

7 “(2) Subject to regulations prescribed by the Sec-
8 retary concerned, a member performing Active Guard and
9 Reserve functions pursuant to paragraph (1) may perform
10 the following additional activities to the extent that the
11 performance of the additional activities does not interfere
12 with the performance of the member’s primary Active
13 Guard and Reserve functions described in such paragraph:

14 “(A) Supporting operations or missions as-
15 signed in whole or in part to the reserve compo-
16 nents.

17 “(B) Supporting operations or missions per-
18 formed or to be performed by—

19 “(i) a unit composed of elements from
20 more than one component of the same armed
21 force; or

22 “(ii) a joint forces unit that includes—

23 “(I) one or more reserve component
24 units; or

1 “(II) a member of a reserve compo-
2 nent whose reserve component assignment
3 is in a position in an element of the joint
4 forces unit.

5 “(C) Advising the Secretary of Defense, the
6 Secretaries of the military departments, the Joint
7 Chiefs of Staff, or the commanders of the combatant
8 commands regarding reserve component matters.

9 “(D) Instructing or training in the United
10 States, the Commonwealth of Puerto Rico, the Dis-
11 trict of Columbia, a territory of the United States,
12 or a possession of the United States—

13 “(i) members of the armed forces on active
14 duty;

15 “(ii) members of foreign military forces
16 (under the same authorities and restrictions ap-
17 plicable to members of the armed forces on ac-
18 tive duty providing such instruction or train-
19 ing);

20 “(iii) Department of Defense contractor
21 personnel; or

22 “(iv) Department of Defense civilian em-
23 ployees.

24 “(3)(A) Notwithstanding paragraph (2) and
25 subject to subparagraph (C), a member performing

1 Active Guard and Reserve functions pursuant to
2 paragraph (1) may perform functions in support of
3 emergency preparedness programs to prepare for, or
4 to respond to, any emergency involving any of the
5 following:

6 “(i) The use or threatened use of a weapon of
7 mass destruction (as defined in section 1403 of the
8 Defense Against Weapons of Mass Destruction Act
9 of 1996 (50 U.S.C. 2302)) in the United States.

10 “(ii) A terrorist attack or threatened terrorist
11 attack in the United States that results, or could re-
12 sult, in catastrophic loss of life or property.

13 “(iii) The intentional or unintentional release of
14 nuclear, biological, or radiological, or toxic or poi-
15 sonous chemical, materials in the United States that
16 results, or could result, in catastrophic loss of life or
17 property.

18 “(iv) A natural or manmade disaster in the
19 United States that results, or could result, in cata-
20 strophic loss of life or property.

21 “(B) The costs of the pay, allowances, clothing,
22 subsistence, gratuities, travel, and related expenses
23 for a member described in paragraph (1) who is per-
24 forming functions described in subparagraph (A)
25 shall be paid from the appropriation that is available

1 to pay such costs for other members of the reserve
2 component of that member who are performing func-
3 tions described in paragraph (1).

4 “(C) A member described in paragraph (1) may
5 perform functions described in subparagraph (A)
6 only while assigned to a reserve component weapons
7 of mass destruction civil support team.

8 “(D) A member described in paragraph (1) who
9 is performing functions described in subparagraph
10 (A) shall be counted against the annual end strength
11 authorizations required by sections 115(a)(1)(B) and
12 115(a)(2) of this title.

13 “(E) The justification material for the defense
14 budget request for a fiscal year shall identify the
15 number and component of the members described in
16 paragraph (1) who are programmed to be per-
17 forming functions described in subparagraph (A)
18 during that fiscal year.

19 “(F) A reserve component weapons of mass de-
20 struction civil support team, and any member de-
21 scribed in paragraph (1) who is assigned to such a
22 team, shall not be used to respond to an emergency
23 described in subparagraph (A) until the Secretary of
24 Defense certifies to the Committee on Armed Serv-
25 ices of the Senate and the Committee on Armed

1 Services of the House of Representatives that the
2 team, or the member, possesses the requisite skills,
3 training, and equipment to be proficient in all mis-
4 sion requirements.

5 “(G) If the Secretary of Defense submits to
6 Congress any request for the enactment of legisla-
7 tion to modify the requirements of subparagraph (A)
8 or (C), the Secretary shall provide with the re-
9 quest—

10 “(i) a justification for each such requested
11 modification; and

12 “(ii) the Secretary’s plan for sustaining the
13 qualifications of the personnel and teams de-
14 scribed in subparagraph (C).

15 “(H) In this subsection, the term ‘United
16 States’ includes the Commonwealth of Puerto Rico,
17 Guam, and the United States Virgin Islands.

18 “(4) A member described in paragraph (1) shall
19 serve in the member’s reserve grade and while so
20 serving continue to be eligible for promotion as a
21 member of a reserve component, if otherwise quali-
22 fied.

23 “(5) A member described in paragraph (1) may
24 be provided training that is consistent with training

1 provided to other members on active duty, as the
2 Secretary concerned determines appropriate.

3 “(g) SEXUAL ASSAULT LINE OF DUTY DETERMINA-
4 TION.—(1) In the case of a reserve component member
5 who is the alleged victim of sexual assault committed while
6 on active duty and who is expected to be released from
7 active duty before the determination is made regarding
8 whether the member was assaulted while in the line of
9 duty (in this section referred to as a ‘line of duty deter-
10 mination’), upon the request of the member, the member
11 may, with the consent of the member, be ordered to or
12 retained on active duty under section 12342 of this title
13 for the purpose of aiding in the line of duty determination
14 until completion of the determination. A member eligible
15 for continuation on active duty under this paragraph shall
16 be informed as soon as practicable after the alleged assault
17 of the option to request continuation on active duty under
18 this paragraph.

19 “(2) In the case of a reserve component member who
20 is not on active duty and who is the alleged victim of a
21 sexual assault that occurred while the member was on ac-
22 tive duty and when the line of duty determination is not
23 completed, upon the request of the member, the member
24 may be ordered to active duty under section 12342 of this

1 title for the purpose of aiding in the line of duty deter-
2 mination until completion of the determination.

3 “(3) The Secretaries of the military departments
4 shall prescribe regulations to carry out this subsection,
5 subject to guidelines prescribed by the Secretary of De-
6 fense. The guidelines of the Secretary of Defense shall
7 provide that—

8 “(A) a request submitted by a member de-
9 scribed in paragraph (1) or (2) to continue on active
10 duty, or to be ordered to active duty, shall be de-
11 cided within 30 days from the date of the request;
12 and

13 “(B) if the request is denied, the member may
14 appeal to the first general officer or flag officer in
15 the chain of command of the member, and in the
16 case of such an appeal, a decision on the appeal
17 shall be made within 15 days from the date of the
18 appeal.

19 **“§ 12353. Category III: reserve component duty pur-
20 poses**

21 “(a) REQUIRED TRAINING.—Except as provided in
22 regulations prescribed by the Secretary of Defense, or the
23 Secretary of Homeland Security in the case of the Coast
24 Guard when it is not operating as a service in the Navy,
25 a member of the Ready Reserve of the Army Reserve,

1 Navy Reserve, Marine Corps Reserve, Air Force Reserve,
2 or Coast Guard Reserve (except a person who is enlisted,
3 inducted, or appointed in an armed force under any provi-
4 sion of law other than section 513 or 10145(b) of this
5 title) shall, without the consent of the member, be required
6 during each fiscal year to perform reserve component duty
7 under section 12343 of this title for the purpose of—

8 “(1) participating in at least 48 periods of
9 training; or

10 “(2) performing such other equivalent training
11 as the Secretary concerned may prescribe.

12 “(b) MUSTER.—(1) Subject to the requirements and
13 limitations described in paragraph (2), a member of the
14 Ready Reserve may, without the consent of the member,
15 be required one time each year to perform reserve compo-
16 nent duty under section 12343 of this title for the purpose
17 of updating personnel records and qualifications, docu-
18 menting civilian occupational skills, and assessing the
19 member’s physical condition and availability for service.

20 “(2) The requirements and limitations described in
21 paragraph (1) are as follows:

22 “(A) The period that the member may be re-
23 quired to devote to muster under this subsection, in-
24 cluding round-trip travel to and from the location of

1 that muster, shall not total more than one day each
2 calendar year.

3 “(B) Except as provided in subparagraph (D),
4 muster (and travel directly to and from muster)
5 under this subsection shall be treated the same as
6 any other reserve component duty (and travel di-
7 rectly to and from that duty) for the purposes of
8 this title and the provisions of title 37 (other than
9 section 206(a) of title 37), including provisions relat-
10 ing to the determination of eligibility for and the re-
11 ceipt of benefits and entitlements provided under
12 those titles for members performing reserve compo-
13 nent duty and for the dependents and survivors of
14 the members.

15 “(C) In lieu of compensation under section
16 206(a) of title 37, the Secretary concerned shall pay
17 an allowance in accordance with section 433 of title
18 37 to a member of the Ready Reserve who is not a
19 member of the National Guard or the Selected Re-
20 serve.

21 “(D) Muster under this subsection shall not be
22 credited in determining entitlement to, or in com-
23 puting, retired pay under chapter 1223 of this title.

24 “(e) ADDITIONAL TRAINING.—A member of the
25 Army Reserve, Navy Reserve, Marine Corps Reserve, Air

1 Force Reserve, or Coast Guard Reserve may, with the con-
2 sent of the member, participate in additional training peri-
3 ods, including additional flight training periods, under sec-
4 tion 12343 of this title.

5 “(d) SUPPORT ACTIVITIES OR REQUIREMENTS.—(1)
6 A member of the Army Reserve, Navy Reserve, Marine
7 Corps Reserve, Air Force Reserve, or Coast Guard Re-
8 serve may, with the consent of the member, be required
9 to perform reserve component duty under section 12343
10 of this title for the purpose of—

11 “(A) participating in operational support re-
12 quirements except as described in section 12343(e)
13 of this title, including administrative functions to
14 prepare for unit training or funeral honors functions
15 at the funeral of a veteran as described in section
16 1491 of this title; or

17 “(B) carrying out an activity or requirement
18 approved by the Secretary concerned.

19 “(2) A member described in paragraph (1) who is
20 performing funeral honors functions described in para-
21 graph (1)(A)—

22 “(A) may be paid—

23 “(i) an allowance under section 435 of title
24 37; or

1 “(ii) compensation under section 206 of
2 title 37;

3 “(B) shall be reimbursed for travel and trans-
4 portation expenses incurred in conjunction with such
5 duty as authorized under section 435 of title 37 if
6 such duty is performed at a location 50 miles or
7 more from the member’s residence; and

8 “(C) shall receive retirement points under sec-
9 tion 12732(a)(2)(B) of this title.

10 **“§ 12354. Category IV: remote assignment purposes**

11 “(a) WORK OR COURSE OF INSTRUCTION RELATED
12 TO READINESS.—A member of the Ready Reserve or
13 Standby Reserve in an active status may, with the consent
14 of the member, be assigned to perform a remote assign-
15 ment under section 12344 of this title for the purpose of
16 carrying out—

17 “(1) pre-approved work authorized for that
18 member that is directly related to the readiness of
19 the member or the readiness of the member’s unit;
20 or

21 “(2) a pre-approved course of instruction that
22 completes a career advancement requirement or im-
23 proves the military readiness of the member.

24 “(b) COMPENSATION.—(1) At a rate and under terms
25 determined by the Secretary of Defense and only upon

1 successful completion of pre-approved work or a course of
2 instruction described in subsection (a), the Secretary con-
3 cerned may, at the discretion of the Secretary concerned,
4 authorize a member described in subsection (a) to be—

5 “(A) awarded retirement points under section
6 12732(a)(2)(E) of this title; or

7 “(B)(i) paid compensation under section 206 of
8 title 37, at a rate of compensation not to exceed the
9 rate otherwise applicable to the member paid under
10 section 206(a) of title 37; and

11 “(ii) awarded retirement points under section
12 12732(a)(2)(E) of this title.

13 “(2) A member of the Individual Ready Reserve who
14 performs screening conducted through electronic means
15 may be paid a stipend in accordance with section 433a
16 of title 37, in lieu of compensation under paragraph (1).

17 “(c) EXCLUSION FROM CERTAIN BENEFITS AND
18 PROTECTIONS.—A member described in subsection (a)
19 who performs pre-approved work or undertakes a pre-ap-
20 proved course of instruction pursuant to this section shall
21 not—

22 “(1) be subject to chapter 47 of this title (Uni-
23 form Code of Military Justice); or

24 “(2) be entitled to any of the pay, benefits,
25 rights, privileges, or immunities provided a member

1 on active duty or performing reserve component
2 duty, except as provided in subsection (b).”.

3 **SEC. 4. DEFINITION OF CONTINGENCY OPERATION.**

4 Paragraph (13) of section 101(a) of title 10, United
5 States Code, is amended by striking subparagraph (B)
6 and inserting the following new subparagraphs:

7 “(B)(i) results in a member of a reserve
8 component being called or ordered to active
9 duty—

10 “(I) under section 12341 of this title;

11 or

12 “(II) under section 3713 of title 14;

13 or

14 “(ii) results in a member of the Army Na-
15 tional Guard of the United States or the Air
16 National Guard of the United States in the
17 member’s status as a member of the National
18 Guard of a State or territory, the Common-
19 wealth of Puerto Rico, or the District of Colum-
20 bia being called or ordered to full-time National
21 Guard duty under section 541 of title 32; or

22 “(C) results in a retired member being or-
23 dered to active duty under section 688 of this
24 title for an operation described in subparagraph
25 (A).”.

1 **SEC. 5. COAST GUARD RESERVE.**

2 Section 3713 of title 14, United States Code, is
3 amended—

4 (1) in subsection (a), by striking “in any 2-year
5 period”; and

6 (2) by striking subsection (e).

7 **SEC. 6. NATIONAL GUARD.**

8 Chapter 5 of title 32, United States Code, is amended
9 to read as follows:

10 **“CHAPTER 5—NATIONAL GUARD DUTY**

“Subchapter	Sec
“I. Administration of Duty	511
“II. Duty Authorities	541
“III. Duty Purposes	551

11 **“SUBCHAPTER I—ADMINISTRATION OF DUTY**

- “Sec.
- “511. Training generally.
- “512. Assignment and detail of members of Regular Army or Regular Air Force
for instruction of National Guard.
- “513. Instruction in firing; supply of ammunition.
- “514. Assistance for certain youth and charitable organizations.
- “515. National Guard Youth Challenge Program of opportunities for civilian
youth.
- “516. Regulations.
- “517. Definition of reserve component duty.

12 **“§ 511. Training generally**

13 “(a) DISCIPLINE OF THE NATIONAL GUARD.—The
14 discipline, including training, of—

15 “(1) the Army National Guard shall conform to
16 that of the Army; and

17 “(2) the Air National Guard shall conform to
18 that of the Air Force.

1 “(b) CONDUCT OF TRAINING.—The training of the
2 National Guard shall be conducted by the several States
3 of the United States, the Commonwealth of Puerto Rico,
4 the District of Columbia, Guam, and the United States
5 Virgin Islands in conformity with this title.

6 “§ 512. **Assignment and detail of members of Regular**
7 **Army or Regular Air Force for instruc-**
8 **tion of National Guard**

9 “(a) IN GENERAL.—(1) The President shall assign
10 for instruction of the National Guard such members of
11 the Regular Army or the Regular Air Force as the Presi-
12 dent considers necessary.

13 “(2) The Secretary of the Army may detail members
14 of the Regular Army to attend training, maneuvers, rifle
15 proficiency, or other exercises for field instruction of the
16 Army National Guard.

17 “(3) The Secretary of the Air Force may detail mem-
18 bers of the Regular Air Force to attend training or exer-
19 cises for field instruction of the Air National Guard.

20 “(b) INSTRUCTION.—Members so detailed shall in-
21 struct the members of the National Guard at the exercise,
22 as directed by the Secretary of the Army or Secretary of
23 the Air Force, or as requested by the Governor or com-
24 manding officer of the National Guard there assembled.

1 **“§ 513. Instruction in firing; supply of ammunition**

2 “Ammunition for instruction in firing and for target
3 practice may be furnished, in such amounts as may be
4 prescribed by the Secretary of the Army or the Secretary
5 of the Air Force, as the case may be, to units of the Na-
6 tional Guard encamped at a post, camp, or air base. The
7 instruction shall be under the direction of a commissioned
8 officer selected for that purpose by the proper military
9 commander.

10 **“§ 514. Assistance for certain youth and charitable or-**
11 **ganizations**

12 “(a) **AUTHORITY TO PROVIDE SERVICES.**—Members
13 and units of the National Guard may provide the services
14 described in subsection (b) to an eligible organization in
15 conjunction with training required under this chapter in
16 any case in which—

17 “(1) the provision of such services does not ad-
18 versely affect the quality of that training or other-
19 wise interfere with the ability of a member or unit
20 of the National Guard to perform the military func-
21 tions of the member or unit;

22 “(2) the services to be provided are not com-
23 mercially available, or any commercial entity that
24 would otherwise provide such services has approved,
25 in writing, the provision of such services by the Na-
26 tional Guard;

1 “(3) the provision of such services will enhance
2 the military skills of the National Guard personnel
3 providing such services; and

4 “(4) the provision of the services will not result
5 in a significant increase in the cost of the training.

6 “(b) AUTHORIZED SERVICES.—The services author-
7 ized to be provided under subsection (a) are as follows:

8 “(1) Ground transportation.

9 “(2) Air transportation in support of Special
10 Olympics.

11 “(3) Administrative support services.

12 “(4) Technical training services.

13 “(5) Emergency medical assistance and serv-
14 ices.

15 “(6) Communications services.

16 “(c) OTHER AUTHORIZED ASSISTANCE.—Facilities
17 and equipment of the National Guard, including military
18 property of the United States issued to the National
19 Guard and General Services Administration vehicles
20 leased to the National Guard or to the Department of De-
21 fense, may be used in connection with providing services
22 to any eligible organization under this section.

23 “(d) ELIGIBLE ORGANIZATIONS.—The organizations
24 eligible to receive services under this section are as follows:

25 “(1) The Boy Scouts of America.

- 1 “(2) The Girl Scouts of America.
- 2 “(3) The Boys Clubs of America.
- 3 “(4) The Girls Clubs of America.
- 4 “(5) The Young Men’s Christian Association.
- 5 “(6) The Young Women’s Christian Associa-
- 6 tion.
- 7 “(7) The Civil Air Patrol.
- 8 “(8) The United States Olympic Committee.
- 9 “(9) The Special Olympics.
- 10 “(10) The Campfire Boys.
- 11 “(11) The Campfire Girls.
- 12 “(12) The 4–H Club.
- 13 “(13) The Police Athletic League.
- 14 “(14) Any other youth or charitable organiza-
- 15 tion designated by the Secretary of Defense.

16 **“§ 515. National Guard Youth Challenge Program of**
17 **opportunities for civilian youth**

18 “(a) PROGRAM AUTHORITY AND PURPOSE.—The
19 Secretary of Defense may use the National Guard to con-
20 duct a civilian youth opportunities program, to be known
21 as the ‘National Guard Youth Challenge Program’, which
22 shall consist of at least a 22-week residential program and
23 a 12-month post-residential mentoring period. The Pro-
24 gram shall seek to improve life skills and employment po-
25 tential of participants by providing military-based training

1 and supervised work experience, together with the core
2 program components of assisting participants to receive
3 a high school diploma or its equivalent, leadership develop-
4 ment, promoting fellowship and community service, devel-
5 oping life coping skills and job skills, improving physical
6 fitness, and improving health and hygiene.

7 “(b) CONDUCT OF THE PROGRAM.—(1) The Sec-
8 retary of Defense shall provide for the conduct of the Pro-
9 gram in such States as the Secretary considers to be ap-
10 propriate.

11 “(2) The Secretary shall carry out the Program
12 using—

13 “(A) funds appropriated directly to the Sec-
14 retary of Defense for the Program; and

15 “(B) nondefense funds made available or trans-
16 ferred to the Secretary of Defense by other Federal
17 agencies to support the Program.

18 “(3) The Secretary of Defense shall remain the exec-
19 utive agent to carry out the Program regardless of the
20 source of funds for the Program or any transfer of juris-
21 diction over the Program within the executive branch.

22 “(c) PROGRAM AGREEMENTS.—(1) To carry out the
23 Program in a State, the Secretary of Defense shall enter
24 into an agreement with the Governor of the State or, in
25 the case of the District of Columbia, with the commanding

1 general of the District of Columbia National Guard, under
2 which the Governor or the commanding general will estab-
3 lish, organize, and administer the Program in the State.

4 “(2) The agreement may provide for the Secretary
5 to provide funds to the State for civilian personnel costs
6 attributable to the use of civilian employees of the Na-
7 tional Guard in the conduct of the Program.

8 “(d) MATCHING FUNDS REQUIRED.—(1) The
9 amount of assistance provided by the Secretary of Defense
10 to a State program of the Program for a fiscal year under
11 this section shall not exceed 75 percent of the costs of
12 operating the State program during that fiscal year.

13 “(2) The limitation in paragraph (1) shall not be con-
14 strued as a limitation on the amount of assistance that
15 may be provided to a State program of the Program for
16 a fiscal year from sources other than the Department of
17 Defense.

18 “(e) PERSONS ELIGIBLE TO PARTICIPATE IN PRO-
19 GRAM.—A school dropout from secondary school shall be
20 eligible to participate in the Program. The Secretary of
21 Defense shall prescribe the standards and procedures for
22 selecting participants from among school dropouts.

23 “(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—
24 (1) To the extent provided in an agreement entered into
25 in accordance with subsection (c), and subject to the ap-

1 proval of the Secretary of Defense, a person selected for
2 training in the Program may receive the following benefits
3 in connection with that training:

4 “(A) Allowances for travel expenses, personal
5 expenses, and other expenses.

6 “(B) Quarters.

7 “(C) Subsistence.

8 “(D) Transportation.

9 “(E) Equipment.

10 “(F) Clothing.

11 “(G) Recreational services and supplies.

12 “(H) Other services.

13 “(I) Subject to paragraph (2), a temporary sti-
14 pend upon the successful completion of the training,
15 as characterized in accordance with procedures pro-
16 vided in the agreement.

17 “(2) In the case of a person selected for training in
18 the Program who afterwards becomes a member of the
19 National Civilian Community Corps under subtitle E of
20 title I of the National and Community Service Act of 1990
21 (42 U.S.C. 12611 et seq.), the person shall not receive
22 a temporary stipend under paragraph (1)(I) while the per-
23 son is a member of that Corps. The person may receive
24 the temporary stipend after completing service in that
25 Corps unless the person elects to receive benefits provided

1 under subsection (f) or (g) of section 158 of such Act (42
2 U.S.C. 12618).

3 “(g) PROGRAM PERSONNEL.—(1) Members of the
4 National Guard of a State in which the Program is con-
5 ducted may serve on full-time National Guard duty for
6 the purpose of providing command, administrative, train-
7 ing, or supporting services for the Program. For the per-
8 formance of those services, any such personnel may be or-
9 dered to duty under section 542 of this title for not longer
10 than the period of the Program.

11 “(2) A Governor participating in the Program and
12 the commanding general of the District of Columbia Na-
13 tional Guard (if the District of Columbia National Guard
14 is participating in the Program) may procure by contract
15 the temporary full-time services of such civilian personnel
16 as may be necessary to augment National Guard personnel
17 in carrying out the Program in that State.

18 “(3) Civilian employees of the National Guard per-
19 forming services for the Program and contractor personnel
20 performing such services may be required, when appro-
21 priate to achieve the purposes of the Program, to be mem-
22 bers of the National Guard and to wear the military uni-
23 form.

24 “(h) EQUIPMENT AND FACILITIES.—(1) Equipment
25 and facilities of the National Guard, including military

1 property of the United States issued to the National
2 Guard, may be used in carrying out the Program.

3 “(2) Activities under the Program shall be considered
4 noncombat activities of the National Guard for purposes
5 of section 710 of this title.

6 “(i) STATUS OF PARTICIPANTS.—(1) A person receiv-
7 ing training under the Program shall be considered an em-
8 ployee of the United States for the purposes of the fol-
9 lowing provisions of law:

10 “(A) Subchapter I of chapter 81 of title 5 (re-
11 lating to compensation of Federal employees for
12 work injuries).

13 “(B) Section 1346(b) and chapter 171 of title
14 28 and any other provision of law relating to the li-
15 ability of the United States for tortious conduct of
16 employees of the United States.

17 “(2) In the application of the provisions of law re-
18 ferred to in paragraph (1)(A) to a person referred to in
19 paragraph (1)—

20 “(A) the person shall not be considered to be in
21 the performance of duty while the person is not at
22 the assigned location of training or other activity or
23 duty authorized in accordance with a Program
24 agreement referred to in subsection (c), except when

1 the person is traveling to or from that location or is
2 on pass from that training or other activity or duty;

3 “(B) the person’s monthly rate of pay shall be
4 deemed to be the minimum rate of pay provided for
5 grade GS–2 of the General Schedule under section
6 5332 of title 5; and

7 “(C) the entitlement of a person to receive com-
8 pensation for a disability shall begin on the day fol-
9 lowing the date on which the person’s participation
10 in the Program is terminated.

11 “(3) A person referred to in paragraph (1) shall not
12 be considered an employee of the United States for any
13 purpose other than a purpose set forth in that paragraph.

14 “(j) SUPPLEMENTAL RESOURCES.—To carry out the
15 Program in a State, the Governor of the State or, in the
16 case of the District of Columbia, the commanding general
17 of the District of Columbia National Guard may supple-
18 ment funds made available under the Program out of
19 other resources (including gifts) available to the Governor
20 or the commanding general. The Governor or the com-
21 manding general may accept, use, and dispose of gifts or
22 donations of money, other property, or services for the
23 Program.

24 “(k) REPORT.—Not later than 90 days after the end
25 of each fiscal year, the Secretary of Defense shall submit

1 to Congress a report on the design, conduct, and effective-
2 ness of the Program during the preceding fiscal year. In
3 preparing the report, the Secretary shall coordinate with
4 the Governor of each State in which the Program is car-
5 ried out and, if the Program is carried out in the District
6 of Columbia, with the commanding general of the District
7 of Columbia National Guard.

8 “(l) DEFINITIONS.—In this section:

9 “(1) The term ‘State’ includes the Common-
10 wealth of Puerto Rico, the District of Columbia, a
11 territory of the United States, and a possession of
12 the United States.

13 “(2) The term ‘school dropout’ means an indi-
14 vidual who is no longer attending any school and
15 who has not received a secondary school diploma or
16 a certificate from a program of equivalency for such
17 a diploma.

18 “(3) The term ‘Program’ means the National
19 Guard Youth Challenge Program carried out pursu-
20 ant to this section.

21 “(m) REGULATIONS.—The Secretary of Defense shall
22 prescribe regulations to carry out the Program. The regu-
23 lations shall address at a minimum the following:

24 “(1) The terms to be included in the Program
25 agreements required by subsection (c).

1 “(2) The qualifications for persons to partici-
2 pate in the Program, as required by subsection (e).

3 “(3) The benefits authorized for Program partici-
4 pants, as required by subsection (f).

5 “(4) The status of National Guard personnel
6 assigned to duty in support of the Program under
7 subsection (g).

8 “(5) The conditions for the use of National
9 Guard equipment and facilities to carry out the Pro-
10 gram, as required by subsection (h).

11 “(6) The status of Program participants, as de-
12 scribed in subsection (i).

13 “(7) The procedures to be used by the Sec-
14 retary when communicating with States about the
15 Program.

16 **“§ 516. Regulations**

17 “(a) IN GENERAL.—The Secretary of Defense shall
18 prescribe such regulations as the Secretary considers nec-
19 essary to carry out this chapter.

20 “(b) BOUNDARY RESTRICTIONS.—(1) Except as pro-
21 vided in paragraph (2) or (3), full-time National Guard
22 duty and reserve component duty described in this chapter
23 shall not be performed—

24 “(A) on land outside the United States, the
25 Commonwealth of Puerto Rico, the District of Co-

1 lumbia, a territory of the United States, or a posses-
2 sion of the United States;

3 “(B) on water outside the territorial sea of the
4 United States, the Commonwealth of Puerto Rico, a
5 territory of the United States, or a possession of the
6 United States; or

7 “(C) in international airspace outside the
8 United States, the Commonwealth of Puerto Rico, a
9 territory of the United States, or a possession of the
10 United States.

11 “(2) While on full-time National Guard duty or per-
12 forming reserve component duty, a member may transit
13 land, water, or airspace described in paragraph (1) in
14 properly sanctioned modes of transportation between or
15 among the United States, the Commonwealth of Puerto
16 Rico, a territory of the United States, or a possession of
17 the United States.

18 “(c) CONTINUOUS PERIOD OF DUTY.—(1) When the
19 authority or purpose for a member to serve on full-time
20 National Guard duty changes with no break in service—

21 “(A) the order to full-time National Guard duty
22 shall be amended to cite the new authority or pur-
23 pose and the applicable funding; and

24 “(B) the member shall remain on the same
25 order to full-time National Guard duty.

1 “(2) If a member is released from full-time National
2 Guard duty and subsequently ordered to active duty or
3 full-time National Guard duty with a break in service of
4 24 hours or fewer, the period of service shall be treated
5 as continuous Federal service for the purposes of pay and
6 benefits, unless otherwise specified in law.

7 “(d) DOCUMENTATION OF MANPOWER AND APPRO-
8 PRIATIONS.—To account for manpower utilization and ex-
9 penditure of appropriations—

10 “(1) each order to full-time National Guard
11 duty described in this chapter shall cite the author-
12 ity and the purpose of the order to duty, and each
13 amendment to such order shall cite the new author-
14 ity or purpose of the duty if the authority or purpose
15 changes; and

16 “(2) the purpose of reserve component duty de-
17 scribed in this chapter and the associated funding
18 shall be documented.

19 “(e) DUTY WITHOUT PAY.—(1) Subject to other pro-
20 visions of this title, any member of the National Guard
21 may be ordered to full-time National Guard duty—

22 “(A) with the pay and allowances provided by
23 law; or

24 “(B) with the member’s consent, without pay.

1 “(2) An order to full-time National Guard duty de-
2 scribed in subchapter II of this title without pay shall be
3 considered for all purposes (other than pay) as if it were
4 an order to full-time National Guard duty with pay.

5 “(3) A member of the National Guard who is retained
6 on full-time National Guard duty after the member’s term
7 of service expires is entitled to pay and allowances while
8 on that duty, except that the pay and allowances may be
9 forfeited—

10 “(A) under the approved sentence of a court-
11 martial;

12 “(B) by non-judicial punishment by a com-
13 manding officer; or

14 “(C) when the member is otherwise in a non-
15 pay status.

16 “(f) FUNDING.—Amounts necessary for the pay, sub-
17 sistence, transportation, and other proper expenses of any
18 part of the National Guard of a State, the Commonwealth
19 of Puerto Rico, the District of Columbia, Guam, or the
20 United States Virgin Islands participating in an exercise
21 under section 552(b)(1) of this title may be set aside from
22 funds allocated to it from appropriations for field instruc-
23 tion.

24 “(g) PAYMENT RULE.—Members of the National
25 Guard participating in an exercise under section 552(b)(1)

1 of this title may, after being mustered, be paid for the
2 period beginning with the date of leaving home and ending
3 with the date of return, as determined in advance. If oth-
4 erwise correct, such a payment passes to the credit of the
5 disbursing officer.

6 “(h) ORDER TO DUTY.—A unit or member of the
7 Army National Guard or Air National Guard may only
8 be ordered to duty under this title by the Governor of a
9 State or territory, the Governor of the Commonwealth of
10 Puerto Rico, or the commanding general of the District
11 of Columbia National Guard, or their designated author-
12 ity, as applicable, for purposes authorized by the Secretary
13 of the Army or the Secretary of the Air Force, as appro-
14 priate.

15 **“§ 517. Definition of reserve component duty**

16 “In this chapter, the term ‘reserve component duty’
17 has the meaning given that term in section 101(d)(7) of
18 title 10.

19 **“SUBCHAPTER II—DUTY AUTHORITIES**

“Sec.

“541. Category I: full-time National Guard duty.

“542. Category II: full-time National Guard duty.

“543. Category III: reserve component duty.

“544. Category IV: remote assignments.

20 **“§ 541. Category I: full-time National Guard duty**

21 “(a) IN GENERAL.—(1) Under regulations prescribed
22 by the Secretary of the Army or Secretary of the Air
23 Force, as the case may be, which shall conform to regula-

1 tions prescribed by the Secretary of Defense, a member
2 of the National Guard may be ordered to or retained on
3 full-time National Guard duty for a purpose described in
4 section 551 of this title.

5 “(2) Duty performed pursuant to an order to full-
6 time National Guard duty under this section shall be
7 known as category I full-time National Guard duty.

8 “(b) MEMBER CONSENT.—(1) A member of the Na-
9 tional Guard may, with or without the consent of the
10 member, be ordered to full-time National Guard duty
11 under this section.

12 “(2) A member of the National Guard who is, without
13 the consent of the member, ordered to full-time National
14 Guard duty under this section shall not be retained on
15 full-time National Guard duty beyond the duration limita-
16 tion described in section 551 of this title, if any, for the
17 purpose of that duty.

18 “(3) A member of the National Guard who is, with
19 the consent of the member, ordered to full-time National
20 Guard duty under this section shall not be subject to a
21 duration limitation described in section 551 of this title,
22 if any, for the purpose of that duty.

23 **“§ 542. Category II: full-time National Guard duty**

24 “(a) IN GENERAL.—(1) Under regulations prescribed
25 by the Secretary of the Army or Secretary of the Air

1 Force, as the case may be, which shall conform to regula-
2 tions prescribed by the Secretary of Defense, a member
3 of the National Guard may be ordered to or retained on
4 full-time National Guard duty for a purpose described in
5 section 552 of this title.

6 “(2) Duty performed pursuant to an order to full-
7 time National Guard duty under this section shall be
8 known as category II full-time National Guard duty.

9 “(b) MEMBER CONSENT.—Member consent is re-
10 quired for an order to full-time National Guard duty
11 under this section, except for required training described
12 in section 552(a) of this title.

13 “(c) CATEGORY I OPERATION OR MISSION EXCLU-
14 SION.—Except as provided in section 551(c) of this title,
15 a member of the National Guard shall not be ordered to
16 or retained on full-time National Guard duty under this
17 section if that duty is in support of an operation or mis-
18 sion for which members have been ordered—

19 “(1) to active duty under section 12341 of title
20 10; or

21 “(2) to full-time National Guard duty under
22 section 541 of this title.

23 **“§ 543. Category III: reserve component duty**

24 “(a) IN GENERAL.—(1) Under regulations prescribed
25 by the Secretary of the Army or the Secretary of the Air

1 Force, as the case may be, which shall conform to regula-
2 tions prescribed by the Secretary of Defense, a member
3 of the National Guard may be required, or otherwise au-
4 thorized, to perform reserve component duty for a purpose
5 described in section 553 of this title.

6 “(2) Duty performed pursuant to an order to reserve
7 component duty under this section shall be known as cat-
8 egory III reserve component duty.

9 “(b) MEMBER CONSENT.—(1) A member of the Na-
10 tional Guard may, without the consent of the member, be
11 required to perform reserve component duty under this
12 section for required training described in section 553(a)
13 of this title.

14 “(2) A member of the National Guard may, with the
15 consent of the member, be authorized to perform reserve
16 component duty under this section for—

17 “(A) additional training described in section
18 553(b) of this title; or

19 “(B) support activities or requirements de-
20 scribed in section 553(c) of this title.

21 “(c) PERIOD OF SERVICE.—(1) Each period of re-
22 serve component duty performed under this section shall
23 be for a duration of not fewer than 2 hours.

1 “(2) Not more than 2 periods of reserve component
2 duty under this section may be performed in a calendar
3 day.

4 “(d) HOSTILE FIRE OR IMMINENT DANGER
5 AREAS.—A member of the National Guard shall not be
6 permitted to perform reserve component duty under this
7 section if the location of such duty is in a designated hos-
8 tile fire or an imminent danger area.

9 “(e) CATEGORY I MISSION EXCLUSION.—A member
10 of the National Guard shall not perform reserve compo-
11 nent duty under this section if that duty is in support of
12 an operation or mission for which members are ordered—

13 “(1) to active duty under section 12341 of title
14 10 for such operation or mission; or

15 “(2) to full-time National Guard duty under
16 section 541 of this title.

17 **“§ 544. Category IV: remote assignments**

18 “(a) IN GENERAL.—(1) Under regulations prescribed
19 by the Secretary of the Army in the case of the Army
20 National Guard and the Secretary of the Air Force in the
21 case of the Air National Guard, which shall conform to
22 regulations prescribed by the Secretary of Defense, an au-
23 thority designated by the Governor, at the discretion of
24 that authority, may assign a member of the Army Na-
25 tional Guard or Air National Guard (other than a member

1 assigned to the inactive Army National Guard or inactive
2 Air National Guard)—

3 “(A) work described in section 554(a)(1) of this
4 title that has been pre-approved by the Secretary of
5 the Army in the case of the Army National Guard
6 and the Secretary of the Air Force in the case of the
7 Air National Guard; or

8 “(B) a course of instruction described in section
9 554(a)(2) of this title that has been pre-approved by
10 the Secretary of the Army in the case of the Army
11 National Guard and the Secretary of the Air Force
12 in the case of the Air National Guard.

13 “(2) Duty performed pursuant to an assignment
14 under this section shall be known as a category IV remote
15 assignment.

16 “(b) INDIVIDUALLY ASSIGNED.—Work or a course of
17 instruction assigned under this section shall be specifically
18 and individually assigned to a member described in sub-
19 section (a).

20 “(c) DIRECT MILITARY CONTROL NOT REQUIRED.—
21 (1) Work or a course of instruction assigned under this
22 section shall not require direct military control of the
23 member or the presence of a supervisor or instructor.

24 “(2) Work or a course of instruction assigned under
25 this section may be performed at a time and location de-

1 terminated by the member, subject to any completion dead-
2 line or other applicable requirement established by the
3 Governor.

4 “(d) ELECTRONIC BASED METHODOLOGY.—A course
5 of instruction assigned under subsection (a)(2) may be
6 completed by an electronic-based distributed learning
7 methodology or other means approved by the Governor.

8 “SUBCHAPTER III—DUTY PURPOSE

“Sec.

“551. Category I: full-time National Guard duty purposes.

“552. Category II: full-time National Guard duty purposes.

“553. Category III: reserve component duty purposes.

“554. Category IV: remote assignment purposes.

9 “§ 551. Category I: full-time National Guard duty pur- 10 poses

11 “(a) PRESIDENT OR SECRETARY OF DEFENSE RE-
12 QUEST.—A member of the National Guard may be ordered
13 to full-time National Guard duty under section 541 of this
14 title for the purpose of supporting operations or missions
15 that are undertaken by the member’s unit at the request
16 of the President or Secretary of Defense.

17 “(b) HOMELAND DEFENSE ACTIVITIES.—(1) A
18 member of the National Guard may be ordered to full-
19 time National Guard duty under section 541 of this title
20 for the purpose of performing homeland defense activities,
21 as that term is defined in section 901(1) of this title and
22 described in section 904 of this title.

1 “(2)(A) A member of the National Guard may, with-
2 out the consent of the member, be ordered to or retained
3 on full-time National Guard duty for the purpose de-
4 scribed in paragraph (1) for a period of not more than
5 180 days, except that the Governor of the State may ex-
6 tend, with the concurrence of the Secretary of Defense,
7 the 180-day period one time for an additional 90 days to
8 meet extraordinary circumstances.

9 “(B) In this paragraph the term ‘State’ means each
10 of the several States, the District of Columbia, the Com-
11 monwealth of Puerto Rico, Guam, and the United States
12 Virgin Islands.

13 “(c) SPECIAL RULE REGARDING CALL-UP RELATED
14 ACTIVITIES.—(1) A member of the National Guard may
15 be ordered to or retained on full-time National Guard duty
16 under section 541 of this title for the purpose of—

17 “(A) completing training that is required to
18 prepare the member for a category I active duty
19 purpose described in this section or section 12351 of
20 title 10;

21 “(B) completing activities approved by the Sec-
22 retary concerned that are required to prepare the
23 member for a category I active duty purpose de-
24 scribed in this section or section 12351 of title 10;

1 “(C) receiving medical or dental care required
2 to meet the deployment readiness standards for a
3 category I active duty purpose described in this sec-
4 tion or section 12351 of title 10;

5 “(D) undergoing medical evaluation or receiving
6 treatment or rehabilitation for an injury, illness, or
7 disease incurred or aggravated in the line of duty
8 while serving on full-time National Guard duty
9 under section 541 of this title or active duty under
10 section 12341 of title 10;

11 “(E) undergoing medical evaluation for dis-
12 ability separation or retirement under chapter 61 of
13 this title for an injury, illness, or disease incurred or
14 aggravated in the line of duty while serving on full-
15 time National Guard duty under section 541 of this
16 title or active duty under section 12341 of title 10;

17 “(F) participating in post-deployment and re-
18 integration activities approved by the Secretary of
19 Defense following service on active duty under sec-
20 tion 12341 of title 10.

21 “(2)(A) A member on full-time National Guard duty
22 under section 542 of this title who is performing Active
23 Guard and Reserve functions described in section
24 552(d)(1) of this title may be ordered to full-time National
25 Guard duty under section 541 of this title for the purpose

1 of supporting an operation or mission described in this
2 section while retaining the member's status as an Active
3 Guard and Reserve.

4 “(B) During a period that a member described in
5 subparagraph (A) is serving on full-time National Guard
6 duty under section 541, the member may perform duties
7 in connection with any operation or mission for a purpose
8 described in subsection (a) or (b), notwithstanding the
9 limitations described in section 552(d) of this title on the
10 duties a member described in subparagraph (A) is author-
11 ized to perform.

12 “(C) Funds available for the pay and allowances of
13 a member described in subparagraph (A) for performing
14 the duties described in section 552(d) of this title shall
15 be available for the pay and allowances of the member
16 while performing an operation or mission pursuant to sub-
17 paragraph (A).

18 **“§ 552. Category II: full-time National Guard duty**
19 **purposes**

20 “(a) REQUIRED TRAINING.—(1) Under regulations
21 to be prescribed by the Secretary of the Army or the Sec-
22 retary of the Air Force, as the case may be, each unit
23 of the National Guard, unless excused by the Secretary
24 concerned, shall assemble for the purpose of training for
25 not less than 15 days each year.

1 “(2) A member of the National Guard who has served
2 on active duty for one year or longer shall not be required
3 to participate in training required under paragraph (1) if
4 the first day of such training falls during the last 120
5 days of the member’s required membership in the National
6 Guard.

7 “(b) ADDITIONAL TRAINING AND TRAINING SUP-
8 PORT.—At any time, a member of the National Guard
9 may, with the consent of the member, be ordered to or
10 retained on full-time National Guard duty under section
11 542 of this title for the purpose of—

12 “(1) additional training, including—

13 “(A) participation in training, maneuvers,
14 rifle proficiency, or any other exercise for field
15 instruction, independently of or in conjunction
16 with the Army or the Air Force;

17 “(B) participation in a joint exercise with
18 the Army or the Air Force for instruction to
19 prepare the National Guard for response to a
20 civil emergency or disaster;

21 “(C) attendance at a school conducted by
22 the Army or the Air Force, as appropriate;

23 “(D) conducting or attending a school con-
24 ducted by the National Guard;

1 “(E) participation in a small arms com-
2 petition;

3 “(F) in the case of the Army National
4 Guard—

5 “(i) attendance at any service school,
6 except the United States Military Acad-
7 emy, to pursue a regular course of study at
8 the school; or

9 “(ii) attaching to an organization of
10 the branch of the Army corresponding to
11 the organization of the Army National
12 Guard to which the member belongs, for
13 routine practical instruction at or near an
14 Army post during training, maneuvers,
15 rifle proficiency, or any other exercise for
16 field instruction; or

17 “(G) in the case of the Air National
18 Guard—

19 “(i) attendance at any service school,
20 except the United States Air Force Acad-
21 emy, to pursue a regular course of study at
22 the school; or

23 “(ii) attaching to an organization of
24 the Air Force corresponding to the organi-
25 zation of the Air National Guard to which

1 the member belongs, for routine practical
2 instruction at an air base during field
3 training or any other outdoor exercise; or

4 “(2) supporting a training operation or training
5 mission assigned in whole or in part to the National
6 Guard by the Secretary of the Army or the Sec-
7 retary of the Air Force, as the case may be, but only
8 to the extent that such training operation or train-
9 ing mission is solely to instruct active duty military,
10 foreign military (under the same authorities and re-
11 strictions applicable to active duty troops), Depart-
12 ment of Defense contractor personnel, or Depart-
13 ment of Defense civilian employees.

14 “(c) OTHER ACTIVITIES OR REQUIREMENTS.—At
15 any time, a member of the National Guard may, with the
16 consent of the member, be ordered to or retained on full-
17 time National Guard duty under section 542 of this title
18 for the purpose of—

19 “(1) carrying out drug interdiction and counter-
20 drug activities, to the extent that those activities are
21 in accordance with the State drug interdiction and
22 counter-drug activities plan referred to in section
23 112(c) of this title;

24 “(2) providing command, administrative, train-
25 ing, or support services for the National Guard

1 Youth Challenge Program as provided in section
2 515(g) of this title;

3 “(3) preparing for or performing funeral honors
4 functions at the funeral of veterans as described in
5 section 1491 of title 10, which shall be treated as a
6 Federal function for which appropriated funds may
7 be used;

8 “(4) providing operational support, other than
9 for missions or operations described in section 551
10 of this title, authorized by the Secretary of Defense;

11 “(5) receiving authorized medical or dental care
12 authorized by the Secretary of the Army or the Sec-
13 retary of the Air Force;

14 “(6) undergoing medical evaluation for dis-
15 ability or for other similar purposes; or

16 “(7) performing an activity or requirement au-
17 thORIZED by the Secretary of Defense.

18 “(d) ACTIVE GUARD AND RESERVE.—(1) The Gov-
19 ernor of a State, the Commonwealth of Puerto Rico,
20 Guam, or the United States Virgin Islands, or the com-
21 manding general of the District of Columbia National
22 Guard may, with the consent of the member, order a mem-
23 ber of the National Guard to full-time National Guard
24 duty under section 542 of this title for the purpose of per-
25 forming the Active Guard and Reserve functions of orga-

1 nizing, administering, recruiting, instructing, or training
2 the reserve components. Subject to regulations prescribed
3 by the Secretary of Defense, a member performing Active
4 Guard and Reserve functions described in the preceding
5 sentence may support an operation or mission described
6 in subsection (a) or (b) of section 551 of this title.

7 “(2) Subject to regulations prescribed by the Sec-
8 retary of the Army or the Secretary of the Air Force, as
9 the case may be, a member performing Active Guard and
10 Reserve functions pursuant to paragraph (1) may carry
11 out the additional activities described in section 552(b)(2)
12 of this title to the extent that the performance of those
13 activities does not interfere with the performance of the
14 member’s primary Active Guard and Reserve functions de-
15 scribed in paragraph (1).

16 “(3) A member performing Active Guard and Reserve
17 functions pursuant to paragraph (1) may perform func-
18 tions in support of emergency preparedness programs de-
19 scribed in paragraph (3) of section 12352(f) of title 10,
20 subject to the requirements, limitations, and restrictions
21 provided in such paragraph (3). A member on full-time
22 National Guard duty who is performing functions in sup-
23 port of emergency preparedness described in the preceding
24 sentence shall be counted against the annual end strength

1 authorizations described in paragraphs (1)(B) and (2) of
2 section 115(a) of title 10.

3 “(4) WAIVER AUTHORITY.—(A) Notwithstanding
4 section 101(c)(8)(A) of title 10 and subsection (b) of this
5 section, the Governor of a State or the Commonwealth of
6 Puerto Rico, Guam, or the Virgin Islands, or the com-
7 manding general of the District of Columbia National
8 Guard, as the case may be, may, at the request of the
9 Secretary concerned, order a member of the National
10 Guard to perform Active Guard and Reserve functions for
11 purposes of performing training of the regular components
12 of the armed forces as the primary duty.

13 “(B) Training performed under subparagraph (A)
14 must be performed in the United States or the Common-
15 wealth of Puerto Rico or possessions of the United States.

16 “(C) No more than 100 personnel may be granted
17 a waiver by a Secretary concerned under subparagraph
18 (A) at a time.

19 “(D) The authority under subparagraph (A) shall
20 terminate on October 1, 2024.

21 “(e) SEXUAL ASSAULT LINE OF DUTY DETERMINA-
22 TION.—(1) In the case of a National Guard member who
23 is the alleged victim of sexual assault committed while on
24 full-time National Guard duty and who is expected to be
25 released from full-time National Guard duty before the de-

1 termination is made regarding whether the member was
2 assaulted while in the line of duty (in this section referred
3 to as a ‘line of duty determination’), upon the request of
4 the member, the member may, with the consent of the
5 member, be ordered to or retained on full-time National
6 Guard duty under section 542 of this title for the purpose
7 of aiding in the line of duty determination until completion
8 of the determination. A member eligible for continuation
9 on full-time National Guard duty under this paragraph
10 shall be informed as soon as practicable after the alleged
11 assault of the option to request continuation on full-time
12 National Guard duty under this paragraph.

13 “(2) In the case of a National Guard member who
14 is not on full-time National Guard duty and who is the
15 alleged victim of a sexual assault that occurred while the
16 member was on full-time National Guard duty and when
17 the line of duty determination is not completed, upon the
18 request of the member, the member may be ordered to
19 full-time National Guard duty under section 542 of this
20 title for the purpose of aiding in the line of duty deter-
21 mination until completion of the determination.

22 “(3) The Secretaries of the military departments
23 shall prescribe regulations to carry out this subsection,
24 subject to guidelines prescribed by the Secretary of De-

1 fense. The guidelines of the Secretary of Defense shall
2 provide that—

3 “(A) a request submitted by a member de-
4 scribed in paragraph (1) or (2) to continue on full-
5 time National Guard duty, or to be ordered to full-
6 time National Guard duty, shall be decided within
7 30 days from the date of the request; and

8 “(B) if the request is denied, the member may
9 appeal to the first general officer in the chain of
10 command of the member, and in the case of such an
11 appeal, a decision on the appeal shall be made with-
12 in 15 days from the date of the appeal.

13 **“§ 553. Category III: reserve component duty pur-
14 poses**

15 “(a) REQUIRED TRAINING.—(1) Under regulations
16 to be prescribed by the Secretary of the Army or the Sec-
17 retary of the Air Force, as the case may be, each unit
18 of the National Guard, unless excused by the Secretary
19 concerned, shall assemble for the purpose of reserve com-
20 ponent duty at least 48 times each year.

21 “(2) A member of the National Guard who has served
22 on active duty for one year or longer shall not be required
23 to participate in training required under paragraph (1) if
24 the first day of such training falls during the last 120

1 days of the member's required membership in the National
2 Guard.

3 “(3) An assembly for reserve component duty may
4 consist of a single ordered formation of a unit, or, when
5 authorized by the Secretary concerned, a series of ordered
6 formations of parts of those organizations, except that, to
7 have a series of formations credited as an assembly, all
8 parts of the unit must be included in the series within
9 90 consecutive days.

10 “(4) The total attendance at the series of formations
11 constituting an assembly shall be counted as the attend-
12 ance at that assembly for the required period. No member
13 may be counted more than once or receive credit for more
14 than one required period of attendance, regardless of the
15 number of formations the member attends during the se-
16 ries constituting the assembly for the required period.

17 “(5) No organization may receive credit for an assem-
18 bly unless—

19 “(A) the number of members present equals or
20 exceeds the minimum number prescribed by the
21 President;

22 “(B) the period of military duty for which a
23 member is credited is at least one and one-half
24 hours; and

1 “(C) the training is of the type prescribed by
2 the Secretary concerned.

3 “(6) An appropriately rated member of the National
4 Guard who performs an aerial flight under competent or-
5 ders may receive credit for attending an assembly for the
6 purposes of this section, if the flight prevented the mem-
7 ber from attending a regularly scheduled assembly.

8 “(b) ADDITIONAL TRAINING.—A member of the Na-
9 tional Guard may, with the consent of the member, per-
10 form reserve component duty under section 543 of this
11 title for the purpose of participating in additional training
12 periods, including additional flight training periods, under
13 section 543 of this title.

14 “(c) SUPPORT ACTIVITIES OR REQUIREMENTS.—(1)
15 A member of the National Guard may, with the consent
16 of the member, perform reserve component duty under
17 section 543 of this title for the purpose of—

18 “(A) providing administrative support to pre-
19 pare for unit training;

20 “(B) preparing for or performing funeral hon-
21 ors functions at the funeral of a veteran as described
22 in section 1491 of title 10; or

23 “(C) carrying out an activity or requirement
24 approved by the Secretary of Defense.

1 “(2) A member performing funeral honors functions
2 under paragraph (1)(B)—

3 “(A) may be paid—

4 “(i) an allowance under section 435 of title
5 37; or

6 “(ii) compensation under section 206 of
7 title 37;

8 “(B) shall be reimbursed for travel and trans-
9 portation expenses incurred in conjunction with such
10 duty as authorized under section 435 of title 37 if
11 such duty is performed at a location 50 miles or
12 more from the member’s residence; and

13 “(C) shall receive retirement points under sec-
14 tion 12732(a)(2)(B) of title 10.

15 **“§ 554. Category IV: remote assignment purposes**

16 “(a) WORK OR A COURSE OF INSTRUCTION RELATED
17 TO READINESS.—A member of the Army National Guard
18 or Air National Guard (other than a member assigned to
19 the inactive Army National Guard or inactive Air National
20 Guard) may, with the consent of the member, be assigned
21 to perform a remote assignment under section 544 of this
22 title for the purpose of carrying out—

23 “(1) pre-approved work that is directly related
24 to the readiness of the member or the readiness of
25 the member’s unit authorized for that member; or

1 “(2) a pre-approved course of instruction that
2 completes a career advancement requirement or im-
3 proves the military readiness of the member.

4 “(b) COMPENSATION.—At a rate and under terms de-
5 termined by the Secretary of Defense and only upon suc-
6 cessful completion of pre-approved work or a course of in-
7 struction described in subsection (a), the Governor of a
8 State may, at the discretion of the Governor, authorize
9 a member described in subsection (a) to be—

10 “(1) awarded retirement points under section
11 12732(a)(2)(E) of this title; or

12 “(2)(A) paid compensation under section 206 of
13 title 37, at a rate of compensation not to exceed the
14 rate otherwise applicable to the member paid under
15 section 206(a) of title 37; and

16 “(B) awarded retirement points under section
17 12732(a)(2)(E) of this title.

18 “(c) EXCLUSION FROM CERTAIN BENEFITS AND
19 PROTECTIONS.—A member described in subsection (a)
20 who performs pre-approved work or undertakes a pre-ap-
21 proved course of instruction pursuant to this section shall
22 not—

23 “(1) be subject to any State code of military
24 justice or similar disciplinary proceedings; or

1 “(2) be entitled to any of the pay, benefits,
2 rights, privileges, or immunities provided a member
3 on full-time National Guard duty or performing re-
4 serve component duty, except as provided in sub-
5 section (b).”.

6 **SEC. 7. ALIGNMENT OF BENEFITS.**

7 (a) TITLE 5, UNITED STATES CODE.—Title 5,
8 United States Code, is amended—

9 (1) in the matter preceding paragraph (1) of
10 section 5538(a)—

11 (A) by inserting “or full-time National
12 Guard duty” after “perform active duty”;

13 (B) by striking “under section 12304b of
14 title 10 or a provision of law referred to in sec-
15 tion 101(a)(13)(B) of title 10” and inserting
16 “or full-time National Guard duty in support of
17 a contingency operation (as that term is defined
18 in section 101(a)(13) of title 10)”; and

19 (C) by striking “serving on active duty”
20 and inserting “serving on such duty”;

21 (2) in item (bb) of section 5742(b)(2)(B)(ii)(I),
22 by striking “(as defined in section 101(13) of title
23 10)” and inserting “(as that term is defined in sec-
24 tion 101(a)(13) of title 10)”;
25 (3) in section 6323—

1 (A) in paragraph (1) of subsection (a), by
2 striking “inactive duty training (as defined in
3 section 101 of title 37), funeral honors duty (as
4 described in section 12503 of title 10 and sec-
5 tion 115 of title 32), or engaging in field or
6 coast defense training under sections 502–505
7 of title 32” and inserting “full-time National
8 Guard duty, or reserve component duty (as that
9 term is defined in section 101(d)(7) of title
10 10)” after “active duty,”;

11 (B) in paragraph (2) of subsection (b)—

12 (i) in subparagraph (A)—

13 (I) in the matter preceding clause
14 (i), by striking the em dash and in-
15 serting “, full-time military service for
16 a State, the District of Columbia, the
17 Commonwealth of Puerto Rico, or a
18 territory of the United States; or”;
19 and

20 (II) by striking clauses (i) and
21 (ii); and

22 (ii) in subparagraph (B), by striking
23 “in support of a contingency operation as
24 defined in section 101(a)(13) of title 10”
25 and inserting “or full-time National Guard

1 duty in support of a contingency operation
2 (as that term is defined in section
3 101(a)(13) of title 10”); and

4 (C) in paragraph (1) of subsection (d), by
5 striking “section 12315 of title 10, under sec-
6 tion 12301(b) or 12301(d)” and inserting “sec-
7 tion 12318 of title 10, under section 12341 or
8 12342”;
9 (4) in section 6381—

10 (A) in subparagraph (B) of paragraph (7),
11 by striking “duty during the deployment” and
12 all that follows through the semicolon and in-
13 serting “duty during the period the member is
14 deployed to a foreign country in support of a
15 contingency operation (as that term is defined
16 in section 101(a)(13) of title 10);”; and

17 (B) in subparagraphs (A) and (B) of para-
18 graph (11), by inserting “or full-time National
19 Guard duty” after “active duty” each place it
20 appears;

21 (5) in subsection (a) of section 8102a, by strik-
22 ing “in a contingency operation” and inserting “in
23 support of a contingency operation (as that term is
24 defined in section 101(a)(13) of title 10)”;

25 (6) in section 8905a—

- 1 (A) in paragraph (3) of subsection (b)—
- 2 (i) in subparagraph (C), by striking
- 3 “in support of a contingency operation (as
- 4 defined in section 101(a)(13) of title 10)”
- 5 and inserting “or full-time National Guard
- 6 duty in support of a contingency operation
- 7 (as that term is defined in section
- 8 101(a)(13) of title 10)”; and
- 9 (ii) in subparagraphs (D) and (E), by
- 10 inserting “or full-time National Guard
- 11 duty” after “active duty”; and
- 12 (B) in subparagraph (C) of subsection
- 13 (e)(1), by inserting “or full-time National
- 14 Guard duty” after “active duty”;
- 15 (7) in subparagraph (B) of section
- 16 8906(e)(3)—
- 17 (A) in clause (iii), by striking “in support
- 18 of a contingency operation (as defined in sec-
- 19 tion 101(a)(13) of title 10)” and inserting “or
- 20 full-time National Guard duty in support of a
- 21 contingency operation (as that term is defined
- 22 in section 101(a)(13) of title 10)”; and
- 23 (B) in clauses (iv) and (v), by inserting “or
- 24 full-time National Guard duty” after “active
- 25 duty”; and

1 (8) in subparagraph (B) of section 9903(d)(2),
2 by striking “as defined” and inserting “as that term
3 is defined”.

4 (b) CONSOLIDATED FARM AND RURAL DEVELOP-
5 MENT ACT.—Subsection (a) of section 332 of the Consoli-
6 dated Farm and Rural Development Act (7 U.S.C.
7 1982(a)) is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “who—‘ and inserting ‘who is on active
10 duty or full-time National Guard duty in support of
11 a contingency operation (as that term is defined in
12 section 101(a)(13) of title 10, United States
13 Code).’; and

14 (2) by striking paragraphs (1) and (2).

15 (c) TITLE 10, UNITED STATES CODE.—Title 10,
16 United States Code, is amended—

17 (1) in section 701—

18 (A) in the matter following paragraph (4)
19 of subsection (a), by striking “section 316, 502,
20 503, 504, or 505” and inserting “section 541
21 or 542”;

22 (B) in paragraph (2) of subsection (e)—

23 (i) by striking “in a duty assignment”
24 and inserting “or full-time National Guard
25 duty”; and

1 (ii) by striking “such service on active
2 duty” and inserting “such duty”;

3 (C) in paragraph (2) of subsection (h)—

4 (i) in subparagraph (A), by inserting
5 “, other than a member of a reserve com-
6 ponent” after “active duty”;

7 (ii) in subparagraph (B), by striking
8 “active Guard and Reserve duty” and in-
9 serting “Active Guard and Reserve func-
10 tions pursuant to section 12352(f) of this
11 title or section 552(d) of title 32”; and

12 (iii) in subparagraph (C), by striking
13 “an active duty recall or mobilization
14 order” and inserting “an order to active
15 duty under section 12341 of this title, or
16 a member of the National Guard subject to
17 an order to full-time National Guard duty
18 under section 541 of title 32,”; and

19 (D) in subsection (l)(1), by striking “(B)
20 Subparagraph (A)” and all that follows through
21 the period at the end and inserting the fol-
22 lowing:

23 “(B) Subparagraph (A) applies to the fol-
24 lowing members:

1 “(i) A member on active duty, other
2 than a member of a reserve component.

3 “(ii) A member of a reserve compo-
4 nent performing Active Guard and Reserve
5 functions pursuant to section 12352(f) of
6 this title or 552(d) of title 32.

7 “(iii) A member of a reserve compo-
8 nent subject to an order to active duty
9 under section 12341 or 12342 of this title,
10 or a member of the National Guard subject
11 to an order to full-time National Guard
12 duty under section 541 or 542 of title 32,
13 in excess of 12 months.”;

14 (2) in subparagraph (B) of section 704(c)(1),
15 by striking “in a contingency operation” and insert-
16 ing “in support of a contingency operation”;

17 (3) in paragraph (1) of section 709a(a), by
18 striking “in a contingency operation” and inserting
19 “in support of a contingency operation”;

20 (4) in section 1035—

21 (A) in subsection (b)—

22 (i) by inserting “during” before “the
23 Persian”; and

24 (ii) by inserting “while serving on ac-
25 tive duty or full-time National Guard duty

1 in support of” after “Gulf conflict, or”;

2 and

3 (B) in subsection (f), by inserting “while
4 on active duty” after “its possessions”;

5 (5) in paragraph (4) of section 1044(a)—

6 (A) by striking “under a call or order to
7 active duty for more than 30 days issued under
8 a mobilization authority (as determined by the
9 Secretary)” and inserting “or full-time National
10 Guard duty for a period of more than 30 days
11 in support of a contingency operation”; and

12 (B) by striking “served on active duty”
13 and all that follows through the period and in-
14 serting “served on such duty.”;

15 (6) in subsection (d) of section 1074—

16 (A) by striking paragraph (2); and

17 (B) in paragraph (1)—

18 (i) in the matter preceding subpara-
19 graph (A)—

20 (I) by striking “a delayed-effec-
21 tive-date active-duty order” and in-
22 serting “an order to report for active
23 duty or full-time National Guard duty
24 in support of a contingency oper-
25 ation”; and

1 (II) by striking “on active duty”
2 and inserting “on such duty”;

3 (ii) in subparagraph (B), by striking
4 “active duty” and inserting “such duty”;

5 (iii) by striking “(1) For the pur-
6 poses” and inserting “For the purposes”;

7 and

8 (iv) by redesignating subparagraphs
9 (A) and (B), as amended by clauses (i)
10 and (ii), as paragraphs (1) and (2), respec-
11 tively;

12 (7) in section 1074a—

13 (A) in subsection (a)—

14 (i) in each of paragraphs (1) and
15 (2)—

16 (I) in subparagraph (A), by in-
17 serting “or” after the semicolon;

18 (II) in subparagraph (B), by
19 striking “inactive-duty training; or”
20 and inserting “reserve component
21 duty.”; and

22 (III) by striking subparagraph
23 (C);

24 (ii) in paragraph (3), by striking “in-
25 active-duty training” and inserting “re-

1 serve component duty” each place it ap-
2 pears; and

3 (iii) by striking paragraph (4);

4 (B) in the matter preceding subparagraph
5 (A) of subsection (d)(1), by striking “mobiliza-
6 tion” and inserting “reporting for active duty
7 or full-time National Guard duty in support of
8 a contingency operation”; and

9 (C) in paragraph (1) of subsection (h)—

10 (i) by striking “inactive-duty train-
11 ing” and inserting “reserve component
12 duty”; and

13 (ii) by striking “unit training assem-
14 blies” and inserting “periods of such
15 duty”;

16 (8) in section 1074f—

17 (A) in subsection (a), by striking “as part
18 of a contingency operation” and inserting “in
19 support of a contingency operation”; and

20 (B) in the matter preceding clause (i) of
21 subsection (d)(2)(E), by striking “or contin-
22 gency operations” and inserting “or in support
23 of a contingency operation”; and

1 (C) in each of paragraphs (1), (2)(A), and
2 (3) of subsection (f), by inserting “in support
3 of a” before “contingency operation”;

4 (9) in paragraph (2) of section 1145(a)—

5 (A) in subparagraph (B), by striking “to
6 which” and all that follows through the period
7 and inserting “or full-time National Guard duty
8 in support of a contingency operation for a pe-
9 riod of more than 30 days.”;

10 (B) in subparagraph (C), by striking “sec-
11 tion 12305” and inserting “section 12311”;

12 (C) in subparagraph (F), by inserting “, or
13 a member performing Active Guard and Re-
14 serve functions who separates from active duty
15 or full-time National Guard duty and agrees to
16 remain in the Selected Reserve of the Ready
17 Reserve of a reserve component” after “a re-
18 serve component”; and

19 (D) in subparagraph (G), by striking “sec-
20 tion 502(f)” and all that follows before the pe-
21 riod at the end and inserting “section 541 of
22 title 32 for a period of active service of more
23 than 30 days”;

24 (10) in subsection (j) of section 1175a—

1 (A) in paragraph (1), by inserting “or full-
2 time National Guard duty” after “active duty”;

3 (B) in paragraph (2)—

4 (i) by striking “involuntarily”; and

5 (ii) by striking “in accordance with”

6 and all that follows through “of title 32”

7 and inserting “in support of a contingency

8 operation”; and

9 (C) in paragraph (3)—

10 (i) by striking “or full-time National

11 Guard duty in accordance with section

12 101(d)(1), 101(d)(2), 101(d)(5),

13 12301(d)” and inserting “under section

14 12342 of this title”;

15 (ii) by striking “12319, or 12503 of

16 this title, or section 114, 115, or

17 502(f)(1)(B)” and inserting “or full-time

18 National Guard duty under section 542”;

19 and

20 (D) in subparagraph (A) of paragraph

21 (4)—

22 (i) by striking “involuntary”;

23 (ii) by inserting “under section

24 12342” after “active duty”; and

1 (iii) by inserting “under section 542
2 of title 32” after “full-time National
3 Guard duty”.

4 (11) in the matter preceding subparagraph (A)
5 of section 1218(d)(1), by striking “mobilization and
6 deployment” and inserting “deployment in support
7 of a contingency operation”;

8 (12) in subsection (a) of section 1482a, in the
9 matter preceding paragraph (1), by inserting “sup-
10 port of” after “an armed force in”;

11 (13) in paragraph (2) of section 1552(i), by in-
12 serting “in support of a” after “during a war or”;

13 (14) in paragraph (2) of section 1553(f), by in-
14 serting “in support of a” after “during a war or”;

15 (15) in subsection (b) of section 1788, by strik-
16 ing “in connection with” and inserting “in support
17 of”;

18 (16) in section 12408—

19 (A) in subsection (a), by striking “called
20 into Federal service under section 12301(a),
21 12302, or 12304 of this title” and inserting
22 “called or ordered to active duty in support of
23 a contingency operation”; and

24 (B) in subsection (b), by striking “is mus-
25 tered out of Federal service” and inserting “is

1 released from such duty described in subsection
2 (a)”;

3 (17) in subsection (b) of section 12686—

4 (A) in the first sentence, by striking “sec-
5 tion 12301 of this title” and all that follows
6 through “that order.” and inserting “section
7 12342 of this title, or to full-time National
8 Guard duty (other than for training) under sec-
9 tion 542 of title 32, pursuant to an order to
10 such duty that specifies a period of less than
11 180 days and who (but for this subsection)
12 would be covered by subsection (a), the Sec-
13 retary concerned may require as a condition of
14 that order that the member waive the applica-
15 bility of subsection (a) to the member for the
16 period of such duty covered by that order.”;
17 and

18 (B) in the second sentence, by striking
19 “before the period of active duty begins” and
20 inserting “before the period of such duty be-
21 gins”;

22 (18) in paragraph (2) of section 12731(f), by
23 striking subparagraph (B) and inserting the fol-
24 lowing:

1 “(B) Active service described in this sub-
2 paragraph is service on active duty or full-time
3 National Guard duty in support of a contin-
4 gency operation.”;

5 (19) in paragraph (2) of section 12732(a)—

6 (A) by striking subparagraph (A) and in-
7 serting the following:

8 “(A) One point for each day of active serv-
9 ice.”;

10 (B) by striking subparagraph (B) and in-
11 serting the following:

12 “(B) One point for each period of reserve
13 component duty performed by the member
14 under section 12343 of this title or section 543
15 of title 32.”; and

16 (C) by striking subparagraph (E) and in-
17 serting the following:

18 “(E) Points credited, as determined by the
19 Secretary concerned—

20 “(i) in accordance with section
21 12354(b) of this title, for completion of
22 pre-approved work or completion of a pre-
23 approved course of instruction assigned
24 under section 12344 of this title; or

1 “(ii) in accordance with section
2 554(b) of title 32, for completion of pre-
3 approved work or completion of a pre-ap-
4 proved course of instruction assigned
5 under section 544 of such title.”;

6 (20) in section 12733—

7 (A) by striking paragraph (2);

8 (B) by redesignating paragraphs (3), (4),
9 (5), and (6) as paragraphs (2), (3), (4), and
10 (5), respectively; and

11 (C) in the matter preceding subparagraph
12 (A) of paragraph (2), as so redesignated, by
13 striking “under clause” and inserting “under
14 subparagraph”;

15 (21) in section 14317—

16 (A) in paragraph (1) of subsection (d)—

17 (i) in subparagraph (A)—

18 (I) by inserting “or full-time Na-
19 tional Guard duty” after “active
20 duty” the first place it appears; and

21 (II) by striking “unit is ordered
22 to active duty” and inserting “unit is
23 ordered to such duty”; and

1 (ii) in subparagraph (B), by inserting
2 “or full-time National Guard duty” after
3 “active duty”; and

4 (B) in subsection (e)—

5 (i) in the matter preceding subpara-
6 graph (A) of paragraph (1)—

7 (I) by inserting “component”
8 after “reserve”; and

9 (II) by inserting “or full-time
10 National Guard duty” after “ordered
11 to active duty”; and

12 (ii) in paragraphs (1)(B) and (2), by
13 inserting “or full-time National Guard
14 duty” after “active duty”;

15 (22) in clause (i) of section 16131(c)(3)(B), by
16 striking “ordered to” and all that follows through
17 the semicolon and inserting “ordered to active duty
18 or full-time National Guard duty in support of a
19 contingency operation;”; and

20 (23) in paragraph (4) of section 16133(b)—

21 (A) in the matter preceding subparagraph
22 (A), by striking “pursuant to” and all that fol-
23 lows through “of this title” and inserting “or
24 full-time National Guard duty in support of a
25 contingency operation”; and

1 (B) in subparagraphs (A) and (B), by
2 striking “duty”.

3 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR
4 FISCAL YEAR 2004.—Subsection (a) of section 344 of the
5 National Defense Authorization Act for Fiscal Year 2004
6 (Public Law 108–136; 10 U.S.C. prec. 1030 note) is
7 amended—

8 (1) in paragraph (1), by striking “direct”; and
9 (2) in paragraph (2)—

10 (A) by striking “directly supporting” and
11 inserting “serving in support of”; and

12 (B) by striking “direct”.

13 (e) TITLE 11, UNITED STATES CODE.—Paragraph
14 (2) of section 707(b) of title 11, United States Code, is
15 amended—

16 (1) in clause (i) of subparagraph (B), by insert-
17 ing “or full-time National Guard duty” after “active
18 duty”; and

19 (2) in subparagraph (D)—

20 (A) in clause (i), by striking subclause (II)
21 and inserting the following:

22 “(II) on full-time National Guard duty (as
23 defined in section 101(19) of title 32); or”;

24 (B) in clause (ii), by striking subclause
25 (II) and inserting the following:

1 “(II) on, and during the 540-day period
2 beginning immediately after the debtor is re-
3 leased from, a period of full-time National
4 Guard duty (as defined in section 101(19) of
5 title 32) of not less than 90 days;” and

6 (C) in the matter following subclause (II)
7 of clause (ii), as amended by subparagraph (B),
8 by striking “was called to such active duty or
9 performed such homeland defense activity” and
10 inserting “was called or ordered to active duty
11 or full-time National Guard duty in support of
12 a contingency operation (as that term is defined
13 in section 101(a)(13) of title 10)”.

14 (f) TITLE 14, UNITED STATES CODE.—Subsection
15 (a) of section 2508 of title 14, United States Code, is
16 amended by inserting “(as that term is defined in section
17 101(a)(13) of title 10)” after “contingency operation”.

18 (g) SMALL BUSINESS ACT.—Clause (i) of section
19 3(q)(5)(A) of the Small Business Act (15 U.S.C.
20 632(q)(5)(A)) is amended—

21 (1) in subclause (I), by striking “under a provi-
22 sion of law specified in section 101(a)(13)(B) of title
23 10, United States Code,” and inserting “or full-time
24 National Guard duty in support of a contingency op-

1 eration (as that term is defined in section
2 101(a)(13) of title 10, United States Code)”; and

3 (2) in subclause (II), by striking “active duty
4 pursuant to a call or order to active duty under a
5 provision of law referred to in subclause (I)” and in-
6 serting “duty pursuant to a call or order to active
7 duty or full-time National Guard duty in support of
8 a contingency operation (as that term is defined in
9 section 101(a)(13) of title 10, United States Code)”.

10 (h) MILITARY RESERVIST AND VETERAN SMALL
11 BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF
12 2008.—Paragraph (2) of section 3 of the Military Reserv-
13 ist and Veteran Small Business Reauthorization and Op-
14 portunity Act of 2008 (15 U.S.C. 636 note; Public Law
15 101–186) is amended by inserting “, and such term in-
16 cludes full-time National Guard duty” after “United
17 States Code”.

18 (i) FAIR CREDIT REPORTING ACT.—Subparagraph
19 (A) of section 603(q)(1) of the Fair Credit Reporting Act
20 (15 U.S.C. 1681a(q)(1)(A)) is amended by striking “or
21 is a reservist performing duty under a call or order to ac-
22 tive duty under a provision of law referred to” and insert-
23 ing “or is a member described in subparagraph (B) or (C)
24 of section 101(a)(13) of title 10, United States Code, on

1 active duty or full-time National Guard duty in support
2 of a contingency operation as that term is defined”.

3 (j) TITLE 18, UNITED STATES CODE.—Subsection
4 (h) of section 209 of title 18, United States Code, is
5 amended—

6 (1) by striking “a member” the first place it
7 appears and all that follows through “title 10” and
8 inserting “a member of the armed forces described
9 in section 101(a)(13)(B) of title 10, on active duty
10 or full-time National Guard duty in support of a
11 contingency operation (as that term is defined in
12 section 101(a)(13) of title 10)”; and

13 (2) by inserting “or full-time National Guard
14 duty” after “active duty” each place it appears.

15 (k) DEFENSE DEPENDENTS’ EDUCATION ACT OF
16 1978.—Paragraph (2) of section 1404(c) of the Defense
17 Dependents’ Education Act of 1978 (20 U.S.C. 923(c)(2))
18 is amended—

19 (1) in subparagraph (B)—

20 (A) in clause (i), by striking “section
21 12301 or 12302 of title 10, United States
22 Code,” and inserting “section 12341 or 12342
23 of title 10, United States Code, or are on full-
24 time National Guard duty under section 541 or
25 542 of title 32, United States Code”;

1 (B) in clause (ii), by inserting “or full-time
2 National Guard duty” after “active duty”; and

3 (C) in clause (iii)—

4 (i) by inserting “(I)” before “are serv-
5 ing”;

6 (ii) by striking the period and insert-
7 ing “; or”; and

8 (iii) by adding at the end the fol-
9 lowing new subclause:

10 “(II) in the case of the National
11 Guard, are serving on full-time Na-
12 tional Guard duty in Alaska, Hawaii,
13 or Puerto Rico, but only if that State
14 or territory is not the State or terri-
15 tory from which the member was or-
16 dered to full-time National Guard
17 duty.”.

18 (l) HIGHER EDUCATION ACT OF 1965.—The Higher
19 Education Act of 1965 (20 U.S.C. 1001 et seq.) is amend-
20 ed—

21 (1) in subsection (d) of section 481 (20 U.S.C.
22 1088(d))—

23 (A) in subparagraph (A) of paragraph (4),
24 by striking “a Reserve” and all that follows
25 through “United States Code,” and inserting

1 “a member of the Armed Forces described in
2 section 101(a)(13)(B) of title 10, United States
3 Code, who is ordered to active duty or full-time
4 National Guard duty in support of a contin-
5 gency operation (as that term is defined in sec-
6 tion 101(a)(13) of such title),”; and

7 (B) by striking paragraph (5); and

8 (2) in section 484C (20 U.S.C. 1091c)—

9 (A) in subsection (a), by inserting “or full-
10 time National Guard duty” after “active duty”;

11 and

12 (B) in subparagraph (C) of subsection
13 (c)(3), by striking clauses (i), (ii), and (iii) and
14 inserting the following:

15 “(i) ordered to, or retained on, active
16 duty or full-time National Guard duty in
17 support of a contingency operation (as that
18 term is defined in section 101(a)(13) of
19 title 10, United States Code);

20 “(ii) ordered to, or retained on, active
21 duty under section 2127, 2128, 2308,
22 2309, or 2314 of title 14, United States
23 Code;

24 “(iii) retained on active duty pursuant
25 to section 123, 671a, 671b, or 12311 of

1 title 10, United States Code, because of a
2 war or national emergency declared by the
3 President or Congress, as determined by
4 the Secretary concerned; or”;

5 (B) in clause (iv), by striking “; or” and
6 inserting a period; and

7 (C) by striking clause (v).

8 (m) HIGHER EDUCATION RELIEF OPPORTUNITIES
9 FOR STUDENTS ACT OF 2003.—Section 5 of the Higher
10 Education Relief Opportunities for Students Act of 2003
11 (20 U.S.C. 1098ee) is amended—

12 (1) by redesignating paragraphs (2) through
13 (6) as paragraphs (3) through (7), respectively;

14 (2) by inserting after paragraph (1) the fol-
15 lowing new paragraph:

16 “(2) ACTIVE SERVICE.—The term ‘active serv-
17 ice’ has the meaning given such term in section
18 101(d)(3) of title 10, United States Code, except
19 that such term does not include active duty for the
20 purpose of training, full-time National Guard duty
21 for the purpose of training, or attendance at a serv-
22 ice school.”;

23 (3) in subparagraph (A) of paragraph (6), as
24 redesignated by paragraph (1) of this subsection—

1 (A) by striking “under section 12301(a),
2 12301(g), 12302, 12304, or 12306 of title 10,
3 United States Code,” and inserting “or full-
4 time National Guard duty in support of a con-
5 tingency operation (as that term is defined in
6 section 101(a)(13) of title 10, United States
7 Code),”; and

8 (B) by striking “of such title” and insert-
9 ing “of title 10, United States Code”; and

10 (4) in paragraph (7), as redesignated by para-
11 graph (1) of this subsection, by striking “a call to
12 active service authorized by the President” and all
13 that follows through the period and inserting “a call
14 or order to full-time National Guard duty under sec-
15 tion 541 of title 32, United States Code.”.

16 (n) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
17 Section 101 of the Family and Medical Leave Act of 1993
18 (29 U.S.C. 2611) is amended—

19 (1) in subparagraph (B) of paragraph (14), by
20 striking “duty during” and all that follows through
21 the period and inserting “duty during the period the
22 member is deployed to a foreign country in support
23 of a contingency operation (as that term is defined
24 in section 101(a)(13) of title 10, United States
25 Code).”; and

1 (2) in subparagraphs (A) and (B) of paragraph
2 (18), by inserting “or full-time National Guard
3 duty” after “active duty” each place it appears.

4 (o) WORKFORCE INNOVATION AND OPPORTUNITY
5 ACT.—Clause (ii) of section 3(16)(A) of the Workforce In-
6 novation and Opportunity Act (29 U.S.C. 3102(16)(A)(ii))
7 is amended—

8 (1) by inserting “or full-time National Guard
9 duty (as defined in section 101(d)(5) of title 10,
10 United States Code)” after “active duty (as defined
11 in section 101(d)(1) of title 10, United States
12 Code)”; and

13 (2) by striking “pursuant to a provision of law
14 referred to in section 101(a)(13)(B) of title 10,
15 United States Code,” and inserting “or full-time Na-
16 tional Guard duty in support of a contingency oper-
17 ation (as that term is defined in section 101(a)(13)
18 of title 10, United States Code),”.

19 (p) TITLE 37, UNITED STATES CODE.—(1) The fol-
20 lowing provisions of title 37, United States Code, are each
21 amended by inserting “(as that term is defined in section
22 101(a)(13) of title 10)” after “contingency operation” the
23 first place it appears (other than in a heading):

24 (A) Subsection (a) of section 303b.

25 (B) Paragraph (1) of section 306(d).

1 (C) Subparagraph (B) of section
2 403b(f)(2).

3 (D) Clause (i) of section 436(a)(2)(C).

4 (E) The matter preceding subparagraph
5 (A) of section 437(a)(2).

6 (F) Subparagraph (A) of section
7 501(b)(5).

8 (2) Title 37, United States Code, is amended fur-
9 ther—

10 (A) in section 206—

11 (i) in subsection (d)—

12 (I) in paragraph (1)—

13 (aa) by striking “paragraph (2)”
14 and inserting “paragraphs (2) and
15 (3)”;

16 (bb) by striking “work or study”
17 and inserting “work or a course of in-
18 struction”; and

19 (cc) by striking “while not in
20 Federal service in connection with cor-
21 respondence courses of a uniformed
22 service”;

23 (II) by amending paragraph (2) to
24 read as follows:

1 “(2) A member of the Ready Reserve or Stand-
2 by Reserve in an active status may be paid com-
3 pensation under this section at a rate and under
4 terms determined by the Secretary of Defense and
5 authorized by the Secretary concerned, but not to
6 exceed the rate otherwise applicable to the member
7 under subsection (a), upon the member’s successful
8 completion of work or a course of instruction specifi-
9 cally and individually assigned to the member under
10 section 12344 of title 10 for a purpose described in
11 section 12354 of such title.”;

12 (III) by redesignating paragraph (3)
13 as paragraph (4); and

14 (IV) by inserting after paragraph (2)
15 the following new paragraph:

16 “(3) A member of the Army National Guard
17 (other than a member assigned to the Inactive Army
18 National Guard) or a member of the Air National
19 Guard (other than a member assigned to the Inac-
20 tive Air National Guard) may be paid compensation
21 under this section at a rate and under terms deter-
22 mined by the Secretary of Defense and authorized
23 by the Secretary concerned, but not to exceed the
24 rate otherwise applicable to the member under sub-
25 section (a), upon the member’s successful completion

1 of work or a course of instruction specifically and in-
2 dividually assigned to the member under section 544
3 of title 32 for a purpose described in section 554 of
4 such title.”; and

5 (V) in subparagraphs (A) and (B) of
6 paragraph (4), as redesignated by sub-
7 clause (III) of this clause, by striking
8 “work or study” each place it appears and
9 inserting “work or course of instruction”;
10 and

11 (ii) in subsection (e), by striking “of equiv-
12 alent training” and all that follows through the
13 period and inserting “of reserve component
14 duty that are performed in lieu of the regularly
15 scheduled required periods of reserve compo-
16 nent duty prescribed by the Secretary con-
17 cerned for the member under section 12353(a)
18 of title 10 or section 553(a) of title 32, as the
19 case may be, during that fiscal year.”;

20 (B) in subparagraph (A) of section 316(d)(1),
21 by striking “in connection with a contingency oper-
22 ation” and inserting “in support of a contingency
23 operation (as that term is defined in section
24 101(a)(13) of title 10)”;

25 (C) in subsection (g) of section 403—

1 (i) in paragraph (1), in the matter pre-
2 ceding subparagraph (A), by inserting “(as that
3 term is defined in section 101(a)(13) of title
4 10)” after “contingency operation” each place
5 it appears;

6 (ii) in paragraph (5), by inserting “(as
7 that term is defined in section 101(a)(13) of
8 title 10)” after “contingency operation”;

9 (iii) in subparagraph (A) of paragraph (6),
10 by striking “who performs active Guard and
11 Reserve duty (as defined in section 101(d)(6) of
12 title 10)” and inserting “performing Active
13 Guard and Reserve functions (as that term is
14 defined in section 101(c)(8) of title 10)”;

15 (iv) in subparagraph (B) of paragraph (6),
16 by striking “mobilized for service on active duty
17 other than active Guard and Reserve duty” and
18 inserting “called or ordered to active duty in
19 support of a contingency operation (as that
20 term is defined in section 101(a)(13) of title
21 10) other than a member on active duty per-
22 forming Active Guard and Reserve functions
23 (as that term is defined in section 101(c)(8) of
24 title 10)”;

1 (v) in clause (i) of paragraph (6)(C), by
2 striking “from active Guard and Reserve duty
3 to other active duty and back to active Guard
4 and Reserve duty” and inserting “from per-
5 forming Active Guard and Reserve functions to
6 other active duty and back to performing Active
7 Guard and Reserve functions”; and

8 (D) in clause (ii) of section 436(a)(2)(C)—

9 (i) by striking “under section 12304b of
10 title 10 or a provision of law referred to in sec-
11 tion 101(a)(13)(B) of title 10” and inserting
12 “in support of a contingency operation (as that
13 term is defined in section 101(a)(13) of title
14 10)”; and

15 (ii) by striking “for a period of more than
16 30 days under a call or order issued under such
17 a provision of law” and inserting “in support of
18 a contingency operation (as that term is defined
19 in section 101(a)(13) of title 10) for a period
20 of more than 30 days”.

21 (q) TITLE 38, UNITED STATES CODE.—Title 38,
22 United States Code, is amended—

23 (1) in paragraph (3) of section 3011(d), by
24 striking “on active duty” and all that follows
25 through the period and inserting “on active duty or

1 full-time National Guard duty in support of a con-
2 tingency operation (as that term is defined in section
3 101(a)(13) of title 10).”;

4 (2) in subparagraph (A) of section 3013(f)(2),
5 by striking “under section 688, 12301(a), 12301(d),
6 12301(g), 12302, or 12304 of title 10” and insert-
7 ing “or full-time National Guard duty in support of
8 a contingency operation (as that term is defined in
9 section 101(a)(13) of title 10)”;

10 (3) in subsection (f) of section 3103—

11 (A) by striking “under section 688,
12 12301(a), 12301(d), 12301(g), 12302, 12304,
13 12304a, or 12304b of title 10,” and inserting
14 “or full-time National Guard duty in support of
15 a contingency operation (as that term is defined
16 in section 101(a)(13) of title 10),”; and

17 (B) by striking “such active duty service”
18 and inserting “such duty”;

19 (4) in paragraph (2) of section 3105(e), by
20 striking “under section 688, 12301(a), 12301(d),
21 12301(g), 12302, 12304, 12304a, or 12304b of title
22 10” and inserting “or full-time National Guard duty
23 in support of a contingency operation (as that term
24 is defined in section 101(a)(13) of title 10)”;

25 (5) in paragraph (1) of section 3301—

1 (A) in subparagraph (B), by striking “sec-
2 tion 688, 12301(a), 12301(d), 12301(g),
3 12301(h), 12302, 12304, 12304a, or 12304b of
4 title 10 or section 712 of title 14” and inserting
5 “section 688, 12341, or 12342 of title 10 or
6 section 3713 of title 14”; and

7 (B) in subparagraph (C), by striking “full-
8 time service—” and all that follows through the
9 period and inserting “full-time National Guard
10 duty under section 541 or 542 of title 32.”;

11 (6) in clause (i) of section 3312(c)(2)(A), by
12 striking “under section” and all that follows before
13 the semicolon and inserting “or full-time National
14 Guard duty in support of a contingency operation
15 (as that term is defined in section 101(a)(13) of title
16 10)”;

17 (7) in clause (i) of section 3511(a)(2)(B), by
18 striking “under section 688,” and all that follows
19 through the semicolon and inserting “or full-time
20 National Guard duty in support of a contingency op-
21 eration (as that term is defined in section
22 101(a)(13) of title 10)”;

23 (8) in subsection (f) of section 3512, by striking
24 “pursuant to” and all that follows through “title
25 32,” and inserting “or full-time National Guard

1 duty in support of a contingency operation (as that
2 term is defined in section 101(a)(13) of title 10),”;

3 (9) in paragraph (7) of section 3701(b), in the
4 matter preceding subparagraph (A), by inserting
5 “and an individual who performed active duty (as
6 that term is defined in section 101 of title 10) as
7 a member of a reserve component” after “full-time
8 National Guard duty (as that term is defined in sec-
9 tion 101 of title 10)”;

10 (10) in subparagraph (C) of section 4211(4), by
11 striking “active duty pursuant to section 12301(a),
12 (d), or (g), 12302, or 12304 of title 10,” and insert-
13 ing “active duty or full-time National Guard duty in
14 support of a contingency operation (as that term is
15 defined in section 101(a)(13) of title 10),”; and

16 (11) in subsection (c) of section 4312—

17 (A) in paragraph (3), by striking “section
18 10147 of title 10, under section 502(a) or 503
19 of title 32,” and inserting “section 12352(e) or
20 12353(a) of title 10, or section 552(a) or
21 553(a) of title 32,”; and

22 (B) in paragraph (4)—

23 (i) by striking subparagraphs (A),
24 (B), and (C) and inserting the following:

1 “(A) ordered to or retained on active duty
2 or full-time National Guard duty in support of
3 a contingency operation (as that term is defined
4 in section 101(a)(13) of title 10);

5 “(B) ordered to or retained on active duty
6 under section 2127, 2128, 2308, 2309, or 2314
7 of title 14;

8 “(C) ordered to or retained on active duty
9 pursuant to section 123, 671a, 671b, or 12311
10 of title 10, because of a war or national emer-
11 gency declared by the President or the Con-
12 gress;”;

13 (ii) in subparagraph (D), by inserting
14 “or” after the semicolon; and

15 (iii) by striking subparagraphs (E)
16 and (F) and inserting the following new
17 subparagraph (E):

18 “(E) ordered to full-time National Guard
19 duty in support, as determined by the Secretary
20 of Defense, of a critical mission or requirement
21 of the uniformed services.”.

22 (r) SOCIAL SECURITY ACT.—Subparagraph (B) of
23 section 1631(j)(1) of the Social Security Act (42 U.S.C.
24 1383(j)(1)(B)) is amended by striking “section 12301(d)
25 or 12302 of title 10, United States Code, or section 502(f)

1 of title 32, United States Code)” and inserting “section
2 12341 or 12342 of title 10, United States Code, or to full-
3 time National Guard Duty pursuant to section 541 or 542
4 of title 32, United States Code)”.

5 (s) SERVICEMEMBERS CIVIL RELIEF ACT.—The
6 Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)
7 is amended—

8 (1) in section 101 (50 U.S.C. 3911)—

9 (A) by striking paragraph (1) and insert-
10 ing the following:

11 “(1) SERVICEMEMBER.—The term ‘servicemem-
12 ber’ means—

13 “(A) a member of the uniformed services,
14 as that term is defined in section 101(a)(5) of
15 title 10, United States Code, including a mem-
16 ber of a reserve component; and

17 “(B) a member of the Army National
18 Guard or Air National Guard, as those terms
19 are defined in paragraphs (2) and (4), respec-
20 tively, of section 101(c) of title 10, United
21 States Code.”; and

22 (B) in subparagraph (A) of paragraph (2),
23 by striking clause (ii) and inserting the fol-
24 lowing:

1 “(ii) in the case of a member of the
2 National Guard, service under a call or
3 order to full-time National Guard duty (as
4 that term is defined in section 101(d)(5) of
5 title 10, United States Code);”; and

6 (2) in section 703 (50 U.S.C. 4023)—

7 (A) in paragraph (1) of subsection (a), by
8 striking “(other than for training)” and all that
9 follows before the semicolon and inserting “or
10 full-time National Guard duty in support of a
11 contingency operation (as that term is defined
12 in section 101(a)(13) of title 10, United States
13 Code);”;

14 (B) in the matter preceding subparagraph
15 (A) of subsection (a)(2) and in subsections
16 (a)(2)(B), (b)(4), and (c)(2) by inserting “or
17 full-time National Guard duty” after “active
18 duty”; and

19 (C) in subsection (i)—

20 (i) by redesignating paragraphs (2)
21 and (3) as paragraphs (3) and (4), respec-
22 tively; and

23 (ii) by inserting after paragraph (1)
24 the following new paragraph:

1 “(2) FULL-TIME NATIONAL GUARD DUTY.—The
2 term ‘full-time National Guard duty’ has the mean-
3 ing given that term in section 101(d)(5) of title 10,
4 United States Code.”.

5 (t) NATIONAL DEFENSE AUTHORIZATION ACT FOR
6 FISCAL YEAR 2006.—Paragraph (2) of section 690(b) of
7 the National Defense Authorization Act for Fiscal Year
8 2006 (50 U.S.C. 3916(b)) is amended by striking “and
9 when the member is mobilized” and all that follows
10 through the period and inserting “and when the member
11 is—

12 “(A) called or ordered to active duty or
13 full-time National Guard duty in support of a
14 contingency operation (as that term is defined
15 in section 101(a)(13) of title 10, United States
16 Code); or

17 “(B) otherwise individually called or or-
18 dered to active duty or full-time National Guard
19 duty for a period of more than one year.”.

20 (u) EXPANSION OF DEFINITION OF VETERAN FOR
21 PURPOSES OF HOME LOANS.—The amendment made by
22 subsection (q)(9) of this section shall apply with respect
23 to active duty (as defined in section 101 of title 10, United
24 States Code) performed before, on, or after the date of
25 the enactment of this Act.

1 **SEC. 8. ALIGNMENT OF SURVIVOR BENEFITS.**

2 (a) DEATH WHILE PERFORMING RESERVE COMPO-
3 NENT DUTY.—

4 (1) IN GENERAL.—The following provisions of
5 law are each amended by inserting “or reserve com-
6 ponent duty” after “active duty” each place it ap-
7 pears:

8 (A) Clause (i) of section 3330d(a)(3)(B) of
9 title 5, United States Code.

10 (B) Subparagraph (C) of section
11 1074g(a)(6) of title 10, United States Code.

12 (C) Paragraph (3) of section 1782(a) of
13 title 10, United States Code.

14 (D) Section 2148 of title 10, United States
15 Code.

16 (E) Paragraph (2) of section 3711(f) of
17 title 31, United States Code.

18 (F) Paragraph (1) of section 403(l) of title
19 37, United States Code.

20 (G) Subparagraphs (B) and (C) of section
21 2306(b)(2) of title 38, United States Code.

22 (H) Paragraph (8) of section 3311(b) of
23 title 38, United States Code.

24 (I) Paragraph (2) of section 3322(h) of
25 title 38, United States Code.

1 (J) Subparagraph (C) of section
2 3512(b)(1) of title 38, United States Code.

3 (2) HEADING.—Subsection (l) of section 403 of
4 title 37, United States Code, is amended, in the sub-
5 section heading, by inserting “OR RESERVE COM-
6 PONENT DUTY” after “ACTIVE DUTY”.

7 (b) DEATH WHILE PERFORMING FULL-TIME NA-
8 TIONAL GUARD DUTY OR RESERVE COMPONENT DUTY.—
9 The following provisions are each amended by inserting
10 “, full-time National Guard duty, or reserve component
11 duty” after “active duty” each place it appears:

12 (1) Subsection (m) of section 7 of title 4,
13 United States Code.

14 (2) Subclause (V) of section 7(a)(31)(G)(ii) of
15 the Small Business Act (15 U.S.C.
16 636(a)(31)(G)(ii)(V)).

17 (3) Paragraph (1) of section 3711(f) of title 31,
18 United States Code.

19 (c) POSTHUMOUS CITIZENSHIP OR NATURALIZATION
20 OF SURVIVING NEXT OF KIN.—The Immigration and Na-
21 tionality Act (8 U.S.C. 1101 et seq.) is amended—

22 (1) in the table of contents at the beginning of
23 such Act, in the item relating to section 329A, by
24 striking “while on active duty service” and inserting
25 “during military service”;

1 (2) in subsection (d) of section 319 (8 U.S.C.
2 1430(d)), by striking “in an active duty status” and
3 inserting “while on active duty, full-time National
4 Guard duty, or reserve component duty”; and

5 (3) in section 329A (8 U.S.C. 1440-1)—

6 (A) in the section heading, by striking
7 “**WHILE ON ACTIVE DUTY SERVICE**” and in-
8 serting “**DURING MILITARY SERVICE**”; and

9 (B) in paragraph (1) of subsection (b), by
10 striking “in an active-duty status” and insert-
11 ing “while on active duty, full-time National
12 Guard duty, or reserve component duty”.

13 (d) **DENTAL INSURANCE PLAN**.—Paragraph (5) of
14 section 1076c(b) of title 10, United States Code, is
15 amended—

16 (1) in subparagraph (B), by striking “; or” and
17 inserting a semicolon;

18 (2) by redesignating subparagraph (C) as sub-
19 paragraph (D); and

20 (3) by inserting after subparagraph (B), as
21 amended by paragraph (1), the following new sub-
22 paragraph:

23 “(C) who is described in section 1448(f)(1)
24 of this title; or”.

1 (e) PAYMENT OF UNUSED ACCRUED LEAVE.—Para-
2 graph (1) of section 501(d) of title 37, United States
3 Code, is amended by inserting “or reserve component
4 duty” after “active duty” each place it appears.

5 (f) ALL-VOLUNTEER FORCE EDUCATIONAL ASSIST-
6 ANCE PROGRAM: DEATH BENEFIT.—Subparagraph (B) of
7 section 3017(a)(1) of title 38, United States Code, is
8 amended—

9 (1) by inserting “or reserve component duty”
10 after “active duty” the first place it appears; and

11 (2) by striking “active duty” the second place
12 it appears and inserting “such duty”.

13 (g) TERMINATION OF LEASES OF PREMISES.—Para-
14 graphs (3) and (4)(B)(ii) of section 305(a) of the
15 Servicemembers Civil Relief Act (50 U.S.C. 3955(a)) are
16 amended by striking “full-time National Guard duty, ac-
17 tive Guard and Reserve duty, or inactive-duty training”
18 and inserting “active duty, full-time National Guard duty,
19 or reserve component duty”.

20 **SEC. 9. ALIGNMENT OF NATIONAL GUARD BENEFITS.**

21 (a) ALIGNMENT OF BENEFITS.—

22 (1) IN GENERAL.—The following provisions of
23 law are each amended by inserting “or full-time Na-
24 tional Guard duty” after “active duty” each place it
25 appears:

1 (A) Paragraph (1) of section 638b(e) of
2 title 10, United States Code.

3 (B) Section 12737 of title 10, United
4 States Code.

5 (C) Subparagraphs (C) and (D) of section
6 402A(h)(5) of the Higher Education Act of
7 1965 (20 U.S.C. 1070a-11(h)(5)).

8 (2) HEADINGS.—

9 (A) TITLE 10.—Title 10, United States
10 Code is amended—

11 (i) in subsection (e) of section 638b,
12 in the subsection heading, by inserting
13 “OR FULL-TIME NATIONAL GUARD
14 DUTY” after “ACTIVE DUTY”; and

15 (ii) in section 12737, in the section
16 heading, by inserting “**or full-time Na-**
17 **tional Guard duty**” after “**active**
18 **duty**”.

19 (B) SERVICEMEMBERS CIVIL RELIEF
20 ACT.—Paragraph (2) of section 207(b) of the
21 Servicemembers Civil Relief Act (50 U.S.C.
22 3937(b)) is amended, in the paragraph heading,
23 by inserting “OR FULL-TIME NATIONAL GUARD
24 DUTY” after “ACTIVE DUTY”.

25 (b) ADDITIONAL AMENDMENTS.—

1 (1) TITLE 10.—Title 10, United States Code, is
2 amended in paragraph (1) of section 101(d), by
3 striking “Such term does not” and inserting “Ex-
4 cept for purposes of chapters 40, 53, 54, 55, 56, 58,
5 59, 61, 63, 65, 69, 71, 73, 75, 76, 77, 79, 88, 101,
6 1217, and 1608 of this title, such term does not”.

7 (2) TITLE 32.—Paragraph (12) of section 101
8 of title 32, United States Code, is amended by strik-
9 ing “It does not include” and inserting “Except for
10 purposes of chapters 40, 53, 54, 55, 56, 58, 59, 61,
11 63, 65, 69, 71, 73, 75, 76, 77, 79, 88, 101, 1217,
12 and 1608 of title 10, it does not include”.

13 (3) HIGHER EDUCATION ACT OF 1965.—The
14 Higher Education Act of 1965 (20 U.S.C. 1001 et
15 seq.) is amended—

16 (A) in subparagraph (M) of section
17 428(b)(1) (20 U.S.C. 1078(b)(1)(M)), by strik-
18 ing clause (iii) and inserting the following new
19 clause:

20 “(iii) during which the borrower is
21 serving on active duty during a war or
22 other military operation or national emer-
23 gency (as defined in section 481), and for
24 the 180-day period following the date of
25 release from such duty;”;

1 (B) in section 455 (20 U.S.C. 1087e)—

2 (i) in paragraph (2) of subsection (f),
3 by striking subparagraph (C) and inserting
4 the following new subparagraph:

5 “(C) during which the borrower is serving
6 on active duty during a war or other military
7 operation or national emergency (as defined in
8 section 481), and for the 180-day period fol-
9 lowing the date of release from such duty; or”;
10 and

11 (ii) in paragraph (3) of subsection (o),
12 by striking subparagraph (A) and inserting
13 the following new subparagraph:

14 “(A) is serving on active duty during a war
15 or other military operation or national emer-
16 gency (as defined in section 481); and”;

17 (C) in subparagraph (A) of section
18 464(c)(2) (20 U.S.C. 1087dd(c)(2)(A)), by
19 striking clause (iii) and inserting the following
20 new clause:

21 “(iii) during which the borrower is
22 serving on active duty during a war or
23 other military operation or national emer-
24 gency (as defined in section 481), and for

1 the 180-day period following the date of
2 release from such duty”; and

3 (D) in paragraph (2) of section 741(f) (20
4 U.S.C. 1138(f)(2))—

5 (i) in subparagraph (A), by striking
6 clause (i) and inserting the following new
7 clause:

8 “(i) an individual who is serving on
9 active duty during a war or other military
10 operation or national emergency (as de-
11 fined in section 481); or”; and

12 (ii) in subparagraph (B), by striking
13 clause (i) and inserting the following:

14 “(i) is a spouse of an individual who
15 is serving on active duty during a war or
16 other military operation or national emer-
17 gency (as defined in section 481);”.

18 (4) TITLE 38.—Title 38, United States Code, is
19 amended—

20 (A) in section 101—

21 (i) in paragraph (21)—

22 (I) by redesignating subpara-
23 graphs (C) through (E) as subpara-
24 graphs (D) through (F), respectively;
25 and

1 (II) by striking subparagraph (B)
2 and inserting the following new sub-
3 paragraphs:

4 “(B) in the case of a member of a reserve
5 component, active duty other than for train-
6 ing—

7 “(i) under section 12341 of title 10,
8 for a purpose described in section 12351 of
9 such title (other than subsection
10 (e)(1)(A));

11 “(ii) under section 3713 of title 14;
12 and

13 “(iii) under section 12342 of title 10,
14 for a purpose described in section 12352 of
15 such title (other than subsection (c) or
16 (d)(1)); and

17 “(C) in the case of a member of the Army
18 National Guard or Air National Guard of any
19 State, full-time National Guard duty other than
20 for training—

21 “(i) under section 541 of title 32, for
22 a purpose described in section 551 of such
23 title (other than subsection (c)(1)(A)); and

24 “(ii) under section 542 of title 32, for
25 a purpose described in section 552 of such

1 title (other than subsection (a) or (b));”
2 and”.

3 (ii) in paragraph (22)—

4 (I) by striking subparagraph (A)
5 and inserting the following new sub-
6 paragraph:

7 “(A) full-time duty in the Armed Forces
8 performed by a member of a reserve compo-
9 nent—

10 “(i) under section 12341 of title 10,
11 for the purpose of training as described in
12 section 12351(e)(1)(A) of title 10; or

13 “(ii) under section 12342 of title 10,
14 for the purpose of training as described in
15 subsection (c) or (d)(1) of section 12352 of
16 title 10;”; and

17 (II) by striking subparagraph (C)
18 and inserting the following new sub-
19 paragraph:

20 “(C) in the case of a member of the Army
21 National Guard or Air National Guard of any
22 State, full-time duty performed—

23 “(i) under section 541 of title 32, for
24 the purpose of training as described in sec-
25 tion 551(c)(1)(A) of title 32; or

1 “(ii) under section 542 of title 32, for
2 the purpose of training as described in
3 subsection (a) or (b) of section 552 of title
4 32;”;

5 (iii) in paragraph (23)—

6 (I) in the matter preceding sub-
7 paragraph (A), by striking “inactive
8 duty training” and inserting “reserve
9 component duty”;

10 (II) in subparagraph (A)—

11 (aa) by striking “Reserves”
12 and inserting “a member of a re-
13 serve component”; and

14 (bb) by striking “section
15 206 of title 37 or any other pro-
16 vision of law” and inserting “sec-
17 tion 12343 of title 10”;

18 (III) by redesignating subpara-
19 graphs (B) and (C) as subparagraphs
20 (C) and (D), respectively;

21 (IV) by inserting after subpara-
22 graph (A) the following new subpara-
23 graph:

24 “(B) in the case of a member of the Army
25 National Guard or Air National Guard of any

1 State, duty prescribed for the member by the
2 Secretary concerned under section 543 of title
3 32;”;

4 (V) in subparagraph (C), as re-
5 designated by subclause (III) of this
6 clause, by striking “Reserves” and in-
7 serting “a member of a reserve com-
8 ponent”; and

9 (VI) in the matter following sub-
10 paragraph (D), as redesignated by
11 subclause (III) of this clause—

12 (aa) in the second sen-
13 tence—

14 (AA) by striking “or
15 (iii)” and inserting “(iii)”;
16 and

17 (BB) by striking the
18 period at the end and insert-
19 ing “, or (iv) work or a
20 course of instruction as-
21 signed under section 12344
22 of title 10 or section 544 of
23 title 32.”; and

24 (bb) by striking the first
25 sentence;

1 (iv) in paragraph (24)(C), in the mat-
2 ter preceding clause (i), by striking “inac-
3 tive duty training” and inserting “reserve
4 component duty”;

5 (B) in section 1965—

6 (i) in paragraph (1)—

7 (I) by redesignating subpara-
8 graphs (B) through (D) as subpara-
9 graphs (D) through (F), respectively;
10 and

11 (II) by inserting after subpara-
12 graph (A) the following new subpara-
13 graphs:

14 “(B) in the case of a member of a reserve
15 component, active duty other than for train-
16 ing—

17 “(i) under section 12341 of title 10,
18 for a purpose described in section 12351 of
19 such title (other than subsection
20 (e)(1)(A));

21 “(ii) under section 12342 of title 10,
22 for a purpose described in section 12352 of
23 such title (other than subsection (c) or
24 (d)(1)); and

25 “(iii) under section 3713 of title 14;

1 “(C) in the case of a member of the Army
2 National Guard or Air National Guard of any
3 State, full-time National Guard duty other than
4 for training—

5 “(i) under section 541 of title 32, for
6 a purpose described in section 551 of such
7 title (other than subsection (c)(1)(A)); and

8 “(ii) under section 542 of title 32, for
9 a purpose described in section 552 of such
10 title (other than subsection (a) or (b));”.

11 (ii) in paragraph (2)—

12 (I) by striking subparagraph (A)
13 and inserting the following new sub-
14 paragraph:

15 “(A) full-time duty in the Armed Forces
16 performed by a reserve component member (or
17 by a member of the Space Force in a space
18 force active status (as defined in section
19 101(e)(1) of title 10) but not on sustained duty
20 under section 20105 of title 10)—

21 “(i) under section 12341 of title 10,
22 for the purpose of training described in
23 section 12351(e)(1)(A) of such title; or

24 “(ii) under section 12342 of title 10,
25 for the purpose of training described in

1 subsection (c) or (d)(1) of section 12352 of
2 such title;”;

3 (II) by striking subparagraph
4 (D) and inserting the following new
5 subparagraph:

6 “(D) in the case of a member of the Army
7 National Guard or Air National Guard of any
8 State, full-time National Guard duty per-
9 formed—

10 “(i) under section 541 of title 32, for
11 the purpose of training described in section
12 551(e)(1)(A) of such title; or

13 “(ii) under section 542 of title 32, for
14 the purpose of training described in sub-
15 section (a) or (b) of section 552 of such
16 title;”;

17 (iii) by striking paragraphs (3) and
18 (4) and inserting the following new para-
19 graphs:

20 “(3) The term ‘reserve component duty’
21 means—

22 “(A) in the case of a member of a reserve
23 component (or a member of the Space Force in
24 a space force active status (as defined in section
25 101(e)(1) of title 10) but not on sustained duty

1 under section 20105 of title 10), duty under
2 section 12343 of title 10, for purposes described
3 in section 12353 of such title, which duty is
4 scheduled in advance by competent authority to
5 begin at a specific time and place;

6 “(B) in the case of a member of the Na-
7 tional Guard of any State, duty under section
8 543 of title 32, for purposes described in sec-
9 tion 553 of such title, which duty is scheduled
10 in advance by competent authority to begin at
11 a specific time and place; and

12 “(C) in the case of a commissioned officer
13 of the Reserve corps of the Public Health Serv-
14 ice, duty prescribed or authorized (other than
15 full-time duty), which duty is scheduled in ad-
16 vance by competent authority to begin at a spe-
17 cific time and place.

18 “(4)(A) The terms ‘active duty for training’
19 and ‘reserve component duty’ do not include duty
20 performed as a temporary member of the Coast
21 Guard Reserve.

22 “(B) The term ‘reserve component duty’ does
23 not include—

24 “(i) work or study performed in connection
25 with correspondence courses;

1 “(ii) work or a course of instruction as-
2 signed under section 12344 of title 10 or sec-
3 tion 544 of title 32; or

4 “(iii) attendance at an educational institu-
5 tion in an inactive status.”; and

6 (iv) in paragraph (5)—

7 (I) in subparagraphs (A) and
8 (B), by striking “inactive duty train-
9 ing” and inserting “reserve compo-
10 nent duty”; and

11 (II) in subparagraph (C), by
12 striking “as defined in section
13 12304(i)(1)” and inserting “as de-
14 scribed in section 10144(b)(1)”;

15 (C) by striking paragraph (7) of section
16 3002 and inserting the following new para-
17 graph:

18 “(7) The term ‘active duty’ includes full-time
19 National Guard duty—

20 “(A) first performed after June 30, 1985,
21 by a member of the Army National Guard of
22 the United States or the Air National Guard of
23 the United States in the member’s status as a
24 member of the National Guard of a State for
25 the purpose of organizing, administering, re-

1 recruiting, instructing, or training the National
2 Guard; and

3 “(B) first performed after the effective
4 date of the amendment to this paragraph in the
5 National Defense Authorization Act for Fiscal
6 Year 2022, by a member of the Army National
7 Guard of the United States or the Air National
8 Guard of the United States in the member’s
9 status as a member of the National Guard of
10 a State under section 541 or 542 of title 32.”.

11 **SEC. 10. REPEALS.**

12 (a) **TITLE 10, UNITED STATES CODE.**—The fol-
13 lowing provisions of title 10, United States Code, are re-
14 pealed:

- 15 (1) Chapter 13.
- 16 (2) Section 10147.
- 17 (3) Section 10148.
- 18 (4) Section 12406.
- 19 (5) Section 12503.
- 20 (6) Section 12552.

21 (b) **TITLE 32, UNITED STATES CODE.**—The fol-
22 lowing provisions of title 32, United States Code, are re-
23 pealed:

- 24 (1) Section 114.
- 25 (2) Section 115.

1 (3) Section 328.

2 **SEC. 11. CONFORMING AMENDMENTS.**

3 (a) TITLE 5, UNITED STATES CODE.—Subsection (d)
4 of section 5517 of title 5, United States Code, is amend-
5 ed—

6 (1) in paragraph (1), by striking “section 502
7 of title 32” and inserting “section 541 or 542 of
8 title 32”; and

9 (2) by striking paragraph (2) and inserting the
10 following new paragraph:

11 “(2) participation in training as a member of
12 the Ready Reserve pursuant to—

13 “(A) subsection (c) or (d) of section 12352
14 of title 10 or subsection (a) or (e) of section
15 12353 of such title; or

16 “(B) subsection (a) or (b) of section 552
17 of title 32 or subsection (a) or (b) of section
18 553 of such title.”.

19 (b) HOMELAND SECURITY ACT OF 2002.—Para-
20 graph (5) of section 886(a) of the Homeland Security Act
21 of 2002 (6 U.S.C. 466(a)) is amended by striking “includ-
22 ing chapter 13 of title 10, United States Code” and insert-
23 ing “including calling the militia of any State into Federal
24 service under section 12341 of title 10, United States

1 Code, in response to an insurrection pursuant to section
2 12351(b)(1)(A) of such title”.

3 (c) TITLE 10, UNITED STATES CODE.—Title 10,
4 United States Code, is amended—

5 (1) in section 101—

6 (A) in paragraph (16) of subsection (b), by
7 striking “pursuant to section 12301(d) of this
8 title” and all that follows through the period at
9 the end and inserting “pursuant to section
10 12342 of this title, or a member of the Army
11 National Guard or Air National Guard who is
12 on full-time National Guard duty pursuant to
13 section 542 of title 32, and is performing Active
14 Guard and Reserve functions.”;

15 (B) in subsection (c), by adding at the end
16 the following new paragraph:

17 “(8)(A) The term ‘Active Guard and Reserve
18 functions’ means active duty performed by a member
19 of a reserve component pursuant to section 12352(f)
20 of this title, or full-time National Guard duty per-
21 formed by a member of the Army National Guard of
22 the United States or the Air National Guard of the
23 United States in the member’s status as a member
24 of the National Guard of a State or territory, the
25 Commonwealth of Puerto Rico, or the District of

1 Columbia pursuant to section 552(d) of title 32, for
2 a period of 180 consecutive days or more for the
3 purpose of organizing, administering, recruiting, in-
4 structing, or training the reserve components.

5 “(B) Such term does not include the following:

6 “(i) Duty performed as a member of the
7 Reserve Forces Policy Board provided for under
8 section 10301 of this title.

9 “(ii) Duty as a property and fiscal officer
10 under section 708 of title 32.

11 “(iii) Duty performed for the purpose of
12 interdiction and counter-drug activities for
13 which funds have been provided under section
14 112 of title 32.

15 “(iv) Duty performed as a general or flag
16 officer.

17 “(v) Service as a State director of the Se-
18 lective Service System under section 10(b)(2) of
19 the Military Selective Service Act (50 U.S.C.
20 3809(b)(2)).”; and

21 (C) in subsection (d)—

22 (i) in paragraph (5)—

23 (I) by striking “inactive duty”
24 and inserting “reserve component
25 duty”; and

1 (II) by striking “section 316,
2 502, 503, 504, or 505 of title 32” and
3 inserting “section 541 or 542 of title
4 32”; and

5 (ii) by repealing paragraph (6);

6 (iii) by striking paragraph (7) and in-
7 serting the following new paragraph:

8 “(7) The term ‘reserve component duty’
9 means—

10 “(A) duty prescribed for a member of a re-
11 serve component, or a member of the Space
12 Force, under section 12343 of this title for the
13 purpose of—

14 “(i) training as described in sub-
15 section (a) or (c) of section 12353 of this
16 title;

17 “(ii) muster as described in section
18 12353(b) of this title; or

19 “(iii) support activities or require-
20 ments performed by a member on a vol-
21 untary basis in connection with the pre-
22 scribed training, maintenance, or support
23 activities of the unit to which the member
24 is assigned that are authorized for a mem-

1 ber of a reserve component as described in
2 section 12353(d) of this title; or

3 “(B) duty prescribed for a member of the
4 Army National Guard or Air National Guard of
5 a State or territory, the Commonwealth of
6 Puerto Rico, or the District of Columbia by the
7 Secretary of the Army or Secretary of the Air
8 Force under section 543 of title 32 for the pur-
9 pose of—

10 “(i) training as described in sub-
11 section (a) or (b) of section 553 of title 32;
12 or

13 “(ii) support activities or require-
14 ments performed by a member on a vol-
15 untary basis in connection with the pre-
16 scribed training, maintenance, or support
17 activities of the unit to which the member
18 is assigned that are authorized for a mem-
19 ber of the Army National Guard or Air
20 National Guard as described in section
21 553(e) of title 32.”; and

22 (iv) by adding at the end the following
23 new paragraph:

24 “(8) The term ‘remote assignment’ means—

1 “(A) pre-approved work that is specifically
2 and individually assigned—

3 “(i) to a member of the Ready Re-
4 serve or Standby Reserve in an active sta-
5 tus under section 12344 of this title for
6 the purpose described in section
7 12354(a)(1) of this title; or

8 “(ii) to a member of the Army Na-
9 tional Guard (other than a member as-
10 signed to the Inactive Army National
11 Guard) or Air National Guard (other than
12 a member assigned to the Inactive Air Na-
13 tional Guard) under section 544 of title 32
14 for the purpose described in section
15 554(a)(1) of such title; or

16 “(B) a pre-approved course of instruction
17 that is specifically and individually assigned—

18 “(i) to a member of the Ready Re-
19 serve or Standby Reserve in an active sta-
20 tus under section 12344 of this title for
21 the purpose described in section
22 12354(a)(2) of this title; or

23 “(ii) to a member of the Army Na-
24 tional Guard (other than a member as-
25 signed to the Inactive Army National

1 Guard) or Air National Guard (other than
2 a member assigned to the Inactive Air Na-
3 tional Guard) under section 544 of title 32
4 for the purpose described in section
5 554(a)(2) of such title.”;

6 (2) in section 115—

7 (A) in subsection (b)—

8 (i) in the subsection heading, by in-
9 serting “OR FULL-TIME NATIONAL
10 GUARD DUTY” after “ACTIVE DUTY”;

11 (ii) in paragraph (1)—

12 (I) in subparagraph (A)—

13 (aa) by striking “section
14 12301(d) of this title” and in-
15 serting “section 12342 of this
16 title”; and

17 (bb) by inserting “as de-
18 scribed in section 12352(d)(2) of
19 this title” after “operational sup-
20 port”;

21 (II) in subparagraph (B)—

22 (aa) by striking “section
23 502(f)(1)(B) of title 32” and in-
24 serting “section 542 of title 32”;
25 and

1 (bb) by inserting “as de-
2 scribed in section 552(c)(4) of
3 title 32” after “operational sup-
4 port”;

5 (III) in subparagraph (C), by
6 striking “section 12301(d) of this title
7 or full-time National Guard duty
8 under section 502(f)(1)(B) of title
9 32” and inserting “section 12342 of
10 this title or full-time National Guard
11 duty under section 542 of title 32”;

12 (IV) in subparagraph (D)—

13 (aa) by striking “sections
14 12301(g) of this title while in a
15 captive status” and inserting
16 “section 12341 of this title while
17 in a missing or captive status as
18 described in section 12351(d)(1)
19 of this title, or under section
20 12342 of this title while in a
21 missing status as described in
22 section 12352(b) of this title”;
23 and

24 (bb) by striking “or” at the
25 end; and

1 (V) by striking subparagraph (E) and in-
2 serting the following new subparagraphs:

3 “(E) active duty or retained on active duty
4 for the purpose of medical care or treatment
5 under—

6 “(i) section 12341 of this title as de-
7 scribed in subparagraph (D) or (E) of sec-
8 tion 12351(e)(1) of this title; or

9 “(ii) section 12342 of this title as de-
10 scribed in paragraph (2) or (3) of section
11 12351(e) of this title; or

12 “(F) full-time National Guard duty or re-
13 tained on full-time National Guard duty for the
14 purpose of medical evaluation or treatment
15 under—

16 “(i) section 541 of title 32 as de-
17 scribed in subparagraph (D) or (E) of sec-
18 tion 551(c)(1) of such title; or

19 “(ii) section 542 of title 32 as de-
20 scribed in paragraph (5) or (6) of section
21 552(c) of such title.”;

22 (iii) in subparagraph (B) of para-
23 graph (3), by striking “paragraphs (1)
24 through (8)” and inserting “paragraphs
25 (1) and (2)”; and

1 (iv) in subparagraph (B) of paragraph
2 (4), by inserting “or full-time National
3 Guard duty” after “active duty”;

4 (B) in paragraph (4) of subsection (f), by
5 inserting “or full-time National Guard duty”
6 after “active duty”; and

7 (C) in subsection (i)—

8 (i) in paragraph (1), by striking “sec-
9 tion 12301(a) of this title” and inserting
10 “section 12341 of this title”;

11 (ii) by striking paragraphs (2)
12 through (6);

13 (iii) by redesignating paragraphs (7)
14 through (12) as paragraphs (2) through
15 (7), respectively;

16 (iv) in paragraph (2), as so redesign-
17 ated, by striking “section 502(f)(1)(A) of
18 title 32” and inserting “section 541 of title
19 32”;

20 (v) in paragraph (7), as so redesign-
21 ated, by striking “section 509 of title 32”
22 and inserting “section 515 of title 32”;
23 and

24 (vi) by striking paragraph (13);

1 (3) in subsections (b)(1) and (c) of section 277,
2 by striking “section 502(f) of title 32” and inserting
3 “section 541 of title 32”;

4 (4) in paragraph (1) of section 386(c), by strik-
5 ing “Sections 246, 251, 252, 253, 321,” and insert-
6 ing “Sections 311, 321, 331, 332, 333,”;

7 (5) in paragraph (3) of section 511(d), in the
8 first sentence, by striking “section 10147(a)(1) of
9 this title or section 502(a) of title 32.” and inserting
10 “section 12352(c) of this title or section 552(a) of
11 title 32.”;

12 (6) in section 672, by striking “section 12301”
13 and inserting “section 12311”;

14 (7) in subsection (b) of section 688—

15 (A) by striking paragraph (2); and

16 (B) by redesignating paragraphs (3) and
17 (4) as paragraphs (2) and (3), respectively;

18 (8) in subsection (a) of section 688a, in the
19 first sentence, by inserting “, other than a member
20 of the retired reserve,” after “retired member”;

21 (9) in section 710—

22 (A) in subsection (a), by striking “and
23 members on Active Guard and Reserve duty of
24 the armed forces” and inserting “of the armed
25 forces and members of a reserve component of

1 the armed forces performing Active Guard and
2 Reserve functions as described in section
3 12352(f) of this title or 552(d) of title 32”; and

4 (B) in paragraph (2) of subsection (c), by
5 striking “inactive service training” and insert-
6 ing “reserve component duty as described in
7 section 12353(c) of this title or section 553(b)
8 of title 32”;

9 (10) in paragraph (1) of section 802(d), by in-
10 sserting “under section 12342 of this title” after “or-
11 dered to active duty involuntarily”;

12 (11) in subparagraph (B) of section 987(i)(1),
13 by striking “on active Guard and Reserve Duty.”
14 and inserting “on active duty or full-time National
15 Guard duty performing Active Guard and Reserve
16 functions.”;

17 (12) in subsection (a) of section 1054, by strik-
18 ing “section 316, 502, 503, 504, or 505 of title 32”
19 and inserting “section 541, 542, or 543 of title 32”;

20 (13) in subparagraph (B) of section
21 1060e(b)(1), by striking “section 502 of title 32”
22 and inserting “section 541 or 542 of title 32”;

23 (14) in paragraphs (1) and (2) of section
24 1061(b), by striking “, active duty for training, or

1 inactive-duty training” and inserting “or reserve
2 component duty”;

3 (15) in paragraph (2) of section 1076(a)—

4 (A) in clause (i) of subparagraph (B), by
5 striking “on active duty for training, or on in-
6 active-duty training;” and inserting “or on re-
7 serve component duty;”;

8 (B) in clause (ii) of subparagraph (B), by
9 striking “active duty for training, or inactive-
10 duty training” and inserting “or reserve compo-
11 nent duty”;

12 (C) in subparagraph (C), by striking “in-
13 active-duty training” each place it appears and
14 inserting “reserve component duty”; and

15 (D) by striking subparagraph (E);

16 (16) in subsection (a) of section 1076f, by
17 striking “section 502(f) of title 32, including pursu-
18 ant to chapter 9 of such title” and inserting “section
19 541 of title 32”;

20 (17) in subparagraph (B) of section
21 1078a(b)(1), by striking “(except in the case of a
22 member discharged or released from full-time Na-
23 tional Guard duty)”;

24 (18) in subparagraph (B) of section
25 1086(e)(2)—

1 (A) in clause (i), by striking “, on active
2 duty for training, or on inactive duty training”
3 and inserting “or on reserve component duty”;
4 and

5 (B) in clause (ii), by striking “, active duty
6 for training, or inactive duty training” and in-
7 serting “or reserve component duty”;

8 (19) in subsection (a) of section 1089, by strik-
9 ing “section 316, 502, 503, 504, or 505 of title 32”
10 and inserting “section 541, 542, or 543 of title 32”;

11 (20) in paragraph (6) of section 1092(a)—

12 (A) by striking “mobilized”; and

13 (B) by inserting “have been called or or-
14 dered to active duty or full-time National Guard
15 duty in support of a contingency operation
16 and” after “armed forces who”;

17 (21) in subparagraph (B) of section 1094(d)(3),
18 by striking “section 502(f) of title 32” and inserting
19 “section 541 or 542 of title 32”;

20 (22) in subclause (II) of section
21 1154(d)(1)(B)(i), by striking “active duty service”
22 and inserting “active service”;

23 (23) in paragraph (2) of section 1201(c), by
24 striking “(other than for training under section
25 10148(a) of this title)”;

1 (24) in section 1204—

2 (A) in the section heading, by striking
3 **“inactive-duty training”** and inserting
4 **“reserve component duty”**;

5 (B) in paragraph (2)—

6 (i) subparagraphs (A)(i), (A)(iii),
7 (B)(i), and (B)(iii), by striking “inactive-
8 duty training” each place it appears and
9 inserting “reserve component duty”;

10 (ii) in clause (iii) of subparagraph
11 (A), by striking the semicolon at the end
12 and inserting “; or”;

13 (iii) in clause (iii) of subparagraph
14 (B), by striking “or” at the end; and

15 (iv) by striking subparagraph (C));

16 (25) in section 1206—

17 (A) in the section heading, by striking
18 **“inactive-duty training”** and inserting
19 **“reserve component duty”**;

20 (B) in paragraph (2), by striking “in line
21 of duty—” and all that follows through sub-
22 paragraph (B) and inserting “in the line of
23 duty while—

24 “(A) performing active duty or reserve
25 component duty;

1 “(B) traveling directly to or from the place
2 at which such duty is performed; or

3 “(C) remaining overnight immediately be-
4 fore the commencement of reserve component
5 duty, or while remaining overnight between suc-
6 cessive periods of reserve component duty, at or
7 in the vicinity of the site of the reserve compo-
8 nent duty, if the site is outside reasonable com-
9 muting distance of the member’s residence;”;
10 and

11 (C) in paragraph (5), by striking “inactive-
12 duty training” and inserting “reserve compo-
13 nent duty”;

14 (26) in subparagraph (C) of section 1208(a)(2),
15 by striking “sections 502, 503, 504, and 505 of title
16 32” and inserting “sections 541 and 542 of title
17 32”;

18 (27) in paragraph (2) of section 1406(b), by
19 striking “in accordance with section 1370a” and in-
20 serting “in accordance with section 12771”;

21 (28) in subparagraph (B) of section 1407(f)(2),
22 by striking “or 1370a” and inserting “or 12771”;

23 (29) in subparagraph (B) of section 1448(f)(1),
24 by striking “during inactive-duty training” and in-
25 serting “while performing reserve component duty”;

1 (30) in section 1475—

2 (A) in the section heading, by striking
3 “**inactive duty training**” and inserting
4 “**reserve component duty**”; and

5 (B) in subsection (a), by striking para-
6 graphs (2) and (3) and inserting the following
7 new paragraphs:

8 “(2) a member of a reserve component or a
9 member of the National Guard who dies while per-
10 forming reserve component duty;

11 “(3) any member of a reserve component or any
12 member of the National Guard who, when author-
13 ized or required by an authority designated by the
14 Secretary concerned, assumed an obligation to per-
15 form active duty for training or reserve component
16 duty, and who dies while traveling directly to or
17 from that duty, or while staying at the member’s
18 residence, when so authorized by proper authority,
19 during the period of reserve component duty or be-
20 tween successive days of reserve component duty;”;

21 (31) in subsection (a) of section 1476—

22 (A) in paragraph (1), by striking subpara-
23 graph (B) and inserting the following new sub-
24 paragraph:

25 “(B) reserve component duty.”; and

1 (B) in subparagraph (A) of paragraph (2),
2 by striking “inactive-duty training” and insert-
3 ing “reserve component duty”;

4 (32) in subsection (a) of section 1478—

5 (A) in paragraphs (3) and (4), by striking
6 “inactive duty training” each place it appears
7 and inserting “reserve component duty”;

8 (B) in paragraph (5), in the first sentence,
9 by striking “annual training duty” and insert-
10 ing “active duty for the purpose of required
11 training as described in section 12352(c) of this
12 title, or full-time National Guard duty for the
13 purpose of required training as described in sec-
14 tion 552(a) of title 32,”;

15 (C) in paragraph (8)—

16 (i) by striking “inactive duty train-
17 ing” and inserting “reserve component
18 duty”;

19 (ii) by inserting “under section 204 of
20 title 37, or compensation under section
21 206 of title 37,” after “basic pay”; and

22 (iii) by striking “or training”; and

23 (D) in paragraph (9), by striking “inactive
24 duty training” each place it appears and insert-
25 ing “reserve component duty”;

1 (33) in paragraph (2) of section 1481(a)—

2 (A) in subparagraphs (B), (C), (D), (E),
3 and (F), by striking “inactive-duty training”
4 each place it appears and inserting “reserve
5 component duty”;

6 (B) in subparagraph (E), by striking the
7 semicolon at the end and inserting “; or”;

8 (C) in subparagraph (F), by striking “;
9 or” at the end and inserting a period; and

10 (D) by striking subparagraph (G);

11 (34) in paragraph (2) of section 2012(e), by
12 striking “section 508 of title 32” and inserting “sec-
13 tion 514 of title 32”;

14 (35) in subparagraph (A) of section 2601(b)(1),
15 by striking “section 502(f) of title 32” and inserting
16 “section 541 or 542 of title 32”;

17 (36) in paragraph (2) of section 7341(a), by
18 striking “under section 1370a” and inserting “sec-
19 tion 12771”;

20 (37) in subsection (a) of section 8262, by strik-
21 ing “or section 1370a” and inserting “or section
22 12771”;

23 (38) in paragraph (3) of section 8146(c), by
24 striking “training, or drilling” and inserting “or
25 training”;

1 (39) in subsection (a) of section 8323, by strik-
2 ing “or section 1370a” and inserting “or section
3 12771”;

4 (40) in paragraph (2) of section 9341(a), by
5 striking “under section 1370a of this title” and in-
6 serting “under section 12771 of this title”;

7 (41) in subsection (c) of section 10141, in the
8 first sentence, by striking “the number and duration
9 of drills” and inserting “the number and duration of
10 required periods of reserve component duty”;

11 (42) in section 10142—

12 (A) in subsection (a), by striking “sections
13 12301 and 12302 of this title” and inserting
14 “sections 12341 and 12342 of this title”; and

15 (B) in subsection (b), by inserting “of the
16 armed forces” after Ready Reserve

17 (43) in subsection (a) of section 10143, by
18 striking “section 10147(a)(1) of this title or section
19 502(a) of title 32” and inserting “sections 12352(c)
20 or 12353(a) of title 10 or section 552(a) or 553(a)
21 of title 32”;

22 (44) in paragraph (1) of section 10144(b), in
23 the matter preceding subparagraph (A), by striking
24 “section 12304 of this title” and inserting “section

1 12341 of this title for the purpose described in sec-
2 tion 12351(b)(3) of this title”;

3 (45) in section 10151, by striking “sections
4 12301 and 12306 of this title” and inserting “sec-
5 tion 12341 of this title for the purpose described in
6 section 12351(a) of this title”;

7 (46) in subsection (b) of section 10207—

8 (A) by striking “the mobilization resulting
9 from”; and

10 (B) by inserting “or full-time National
11 Guard duty” after “active duty”;

12 (47) in paragraphs (1)(A) and (2)(A) of section
13 10215(a), by striking “section 12301(d) of this
14 title” and inserting “section 12342 of this title”;

15 (48) in paragraph (1) of section 10508(b), by
16 striking “or section 328 of title 32,” and inserting
17 “or section 12342 of this title.”;

18 (49) in paragraph (9) of section 10541(b), by
19 striking “sections 251, 252, 253, 12304(b), and
20 12406 of this title” and inserting “sections
21 12351(b)(1) and 12351(b)(3)(B) of this title”;

22 (50) in section 12011—

23 (A) in paragraphs (1) and (2) of sub-
24 section (a), by striking “full-time reserve com-

1 ponent duty” and inserting “covered duty for
2 the purposes described in subsection (e)”;

3 (B) in subsections (b) and (d), by striking
4 “full-time reserve component duty” each place
5 it appears and inserting “covered duty”; and

6 (C) by striking subsection (e) and inserting
7 the following new subsection:

8 “(e) COVERED DUTY DEFINED.—In this section, the
9 term ‘covered duty’ means service on active duty under
10 section 12342 of this title, and full-time National Guard
11 duty under section 542 of title 32, for the following pur-
12 poses:

13 “(1) Active duty for the purpose described in
14 section 10211, 10302, 10303, 10304, 10305,
15 12352(f), or 12402 of this title.

16 “(2) Full-time National Guard duty for the
17 purpose described in section 552(b)(2), 552(c)(1),
18 552(c)(3), or 552(d) of title 32.

19 “(3) Active duty for the purpose described in
20 section 708 of title 32.”;

21 (51) in section 12012—

22 (A) in subsection (a)—

23 (i) by striking “full-time reserve com-
24 ponent duty” and inserting “covered
25 duty”; and

1 (ii) by striking “section 10211 or
2 12310, or full-time National Guard duty
3 under the authority of section 502(f) of
4 title 32 (other than for training) in connec-
5 tion with organizing, administering, re-
6 cruiting, instructing, or training the re-
7 serve components or the National Guard”
8 and inserting “section 12342 of this title,
9 for the purpose described in section 10211
10 or 12352(f) of this title, or full-time Na-
11 tional Guard duty under section 542 of
12 title 32, for the purpose described in sec-
13 tion 552(d) of title 32,”;

14 (B) in subsection (b), by striking “full-time
15 reserve component duty” each place it appears
16 and inserting “covered duty”; and

17 (C) by striking subsection (e) and inserting
18 the following:

19 “(e) COVERED DUTY DEFINED.—In this section, the
20 term ‘covered duty’ means duty for the purposes described
21 in section 12011(e) of this title.”;

22 (52) in subsection (a) of section 12402—

23 (A) by striking “The President may, with
24 their consent, order” and inserting “Pursuant
25 to section 10508 of this title,”; and

1 (B) by striking “to active duty in the Na-
2 tional Guard Bureau” and inserting “may, with
3 their consent, be ordered to active duty under
4 section 12342 of this title for duty in the Na-
5 tional Guard Bureau”;

6 (53) in paragraph (3) of subsections (a) and (b)
7 of section 12602—

8 (A) by striking “inactive-duty training”
9 each place it appears and inserting “reserve
10 component duty”; and

11 (B) by striking “section 502 of title 32”
12 and inserting “section 543(a) of title 32”;
13 (54) in section 12603—

14 (A) in the section heading, by striking
15 “**Attendance at inactive-duty training**
16 **assemblies**” and inserting “**Attend re-**
17 **serve component duty**”; and

18 (B) in subsection (a), by striking “inactive
19 duty training” and inserting “reserve compo-
20 nent duty”;

21 (55) in chapter 1225—

22 (A) by striking section 12771;

23 (B) by transferring section 1370a to ap-
24 pear before section 12772 and redesignating

1 such section, as so transferred, as section
2 12771; and

3 (C) in section 12771, as so transferred and
4 redesignated—

5 (i) by amending the section heading to
6 read as follows:

7 **“§ 12771. Reserve officers: grade on transfer to Re-**
8 **tired Reserve”;**

9 (ii) in subsection (g)(1), by inserting
10 “or an adjustment made pursuant to sub-
11 section (h)” after “determination author-
12 ized by subsection (e)”;

13 (iii) by redesignating subsection (h) as
14 subsection (i); and

15 (iv) by inserting after subsection (g)
16 the following new subsection:

17 “(h) EFFECT OF SUBSEQUENT RECALL TO ACTIVE
18 STATUS.—If a member of the Retired Reserve who is a
19 commissioned officer is recalled to an active status in the
20 Selected Reserve of the Ready Reserve under section
21 10145(d) of this title and completes not less than 2 years
22 of service in such active status, the member is entitled to
23 an adjustment in the retired grade of the member in the
24 manner provided in subsection (a) of this title.”; and

25 (56) in section 18505—

1 (A) in the section heading, by striking
2 **“inactive-duty training”** and inserting
3 **“reserve component duty”**; and

4 (B) in subsection (a)—

5 (i) by striking “inactive-duty train-
6 ing” each place it appears and inserting
7 “reserve component duty”; and

8 (ii) by striking “unit training assem-
9 bly” and inserting “unit training location”.

10 (d) EMERGENCY SUPPLEMENTAL APPROPRIATIONS
11 FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ
12 AND AFGHANISTAN, 2004.—Paragraphs (7) and (8) of
13 section 1120(b) of the Emergency Supplemental Appro-
14 priations Act for Defense and for the Reconstruction of
15 Iraq and Afghanistan, 2004 (Public Law 108–106; 10
16 U.S.C. 113 note) are amended by striking “section 12304
17 of title 10, United States Code” and inserting “section
18 12341 of title 10, United States Code, for the purpose
19 described in section 12351(b)(3) of such title”.

20 (e) DEPARTMENT OF DEFENSE APPROPRIATIONS
21 ACT, 2005.—Paragraphs (7) and (8) of section 9010(b)
22 of the Department of Defense Appropriations Act, 2005
23 (Public Law 108–287; 10 U.S.C. 113 note), are amended
24 by striking “section 12302 of title 10, United States
25 Code” and inserting “section 12341 of title 10, United

1 States Code, for the purpose described in section
2 12351(b)(2) of such title”.

3 (f) NATIONAL DEFENSE AUTHORIZATION ACT FOR
4 FISCAL YEAR 1987.—Paragraph (1) of section 403(b) of
5 the National Defense Authorization Act for Fiscal Year
6 1987 (Public Law 99–661; 10 U.S.C. 521 note) is amend-
7 ed—

8 (1) by striking subparagraph (B) and inserting
9 the following new subparagraph:

10 “(B) on active duty—

11 “(i) under section 12341 of title 10,
12 United States Code, for the purpose de-
13 scribed in section 12351(a) of such title; or

14 “(ii) under section 12342 of title 10,
15 United States Code, for a purpose de-
16 scribed in section 10211, 10302, 10303,
17 10304, 10305, or 12402 of such title or
18 section 708 of title 32, United States
19 Code;”;

20 (2) in subparagraph (C), by striking “section
21 12301(d) of title 10, United States Code,” and in-
22 sserting “section 12342 of title 10, United States
23 Code;”;

24 (3) in subparagraph (D), by striking “to pursue
25 special work” and inserting “under section 12342 of

1 title 10, United States Code, to provide operational
2 support described in section 12352(d)(2) of such
3 title”; and

4 (4) in subparagraph (E), by striking “section
5 12304 of title 10, United States Code” and inserting
6 “section 12341 of title 10, United States Code, for
7 a purpose described in section 12351(b)(3) of such
8 title”.

9 (g) WILLIAM M. (MAC) THORNBERRY NATIONAL DE-
10 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021.—
11 Section 508(c) of the William M. (Mac) Thornberry Na-
12 tional Defense Authorization Act for Fiscal Year 2021
13 (Public Law 116–283) is amended by striking “section
14 1370a of title 10” and inserting “section 12771 of title
15 10”.

16 (h) TITLE 14, UNITED STATES CODE.—Title 14,
17 United States Code, is amended—

18 (1) in subsection (a) of section 2102, by strik-
19 ing “section 12311 of title 10” and inserting “sec-
20 tion 12314 of title 10”; and

21 (2) in paragraph (1) of section 3713(c), by
22 striking “training requirement of section 10147 of
23 title 10” and inserting “training requirements de-
24 scribed in section 12352(c) of title 10”.

1 (i) TITLE 28, UNITED STATES CODE.—Section 2671
2 of title 28, United States Code, is amended by striking
3 “section 115, 316, 502, 503, 504, or 505 of title 32” and
4 inserting “section 541, 542, or 543 of title 32”.

5 (j) TITLE 32, UNITED STATES CODE.—Title 32,
6 United States Code, is amended—

7 (1) in section 101—

8 (A) in paragraph (19)—

9 (i) by striking “inactive duty” and in-
10 sserting “reserve component duty”; and

11 (ii) by striking “section 316, 502,
12 503, 504, or 505 of this title” and insert-
13 ing “section 541 or 542 of this title”; and

14 (B) by adding at the end the following new
15 paragraph:

16 “(20) ‘Reserve component duty’ has the mean-
17 ing given that term in section 101(d)(7) of title
18 10.”;

19 (2) in subsection (c) of section 107, by striking
20 “section 12402 of title 10” and inserting “section
21 12342 of title 10 for duty in the National Guard
22 Bureau”;

23 (3) in section 112—

24 (A) in subsection (b)—

1 (i) in paragraph (1), by striking “sec-
2 tion 502(f) of this title” and inserting
3 “section 542 of this title”;

4 (ii) in subparagraph (A) of paragraph
5 (2)—

6 (I) by striking “training required
7 under section 502(a) of this title” and
8 inserting “required training described
9 in sections 552(a) and 553(a) of this
10 title”; and

11 (II) by striking “training re-
12 quired under section 502(a)(1)” and
13 inserting “required training described
14 in section 553(a)”; and

15 (iii) in the matter preceding subpara-
16 graph (A) of paragraph (3), by striking
17 “section 508 of this title” and inserting
18 “section 514 of this title”; and

19 (B) in subparagraph (A) of subsection
20 (e)(1), by striking “section 502(f) of this title”
21 and inserting “section 542 of this title”;

22 (4) in paragraph (2) of section 709(g), by strik-
23 ing “who is performing active Guard and Reserve
24 Duty (as that term is defined in section 101(d)(6)
25 of title 10)” and inserting “who is on active duty or

1 full-time National Guard duty to perform Active
2 Guard and Reserve functions (as that term is de-
3 fined in section 101(c)(8) of title 10”);

4 (5) in paragraph (3) of section 715(a), by strik-
5 ing “section 316, 502, 503, 504, or 505 of this
6 title” and inserting “section 541 or 542 of this
7 title”; and

8 (6) in section 904—

9 (A) in the section heading, by striking
10 “**duty**” and inserting “**activities**”;

11 (B) in subsection (a), by striking “consid-
12 ered to be full-time National Guard duty under
13 section 502(f) of this title” and inserting “per-
14 formed as full-time National Guard duty under
15 section 541 of this title”;

16 (C) in subsection (b), in the first sentence,
17 by striking “duty under this chapter” and in-
18 serting “activities under this chapter”; and

19 (D) by striking subsection (c) and insert-
20 ing the following new subsection:

21 “(c) RELATIONSHIP TO REQUIRED TRAINING.—A
22 member of the National Guard performing activities under
23 this chapter shall, in addition to performing such activi-
24 ties, participate in the training required pursuant to sec-
25 tions 552(a) and 553(a) of this title. The pay, allowances,

1 and other benefits of the member while participating in
2 the training shall be the same as those to which the mem-
3 ber is entitled while performing such activities. The mem-
4 ber is not entitled to additional pay, allowances, or other
5 benefits for participation in training required pursuant to
6 section 553(a) of this title.”.

7 (k) TITLE 37, UNITED STATES CODE.—Title 37,
8 United States Code, is amended—

9 (1) in section 101—

10 (A) by striking paragraph (22) and insert-
11 ing the following new paragraph:

12 “(22) The term ‘reserve component duty’ has
13 the meaning given that term in section 101(d)(7) of
14 title 10.”; and

15 (B) by adding at the end the following new
16 paragraph:

17 “(27) The term ‘remote assignment’ has the
18 meaning given that term in section 101(d)(8) of title
19 10.”;

20 (2) in section 204—

21 (A) by striking subsection (a) and insert-
22 ing the following new subsection:

23 “(a) A member of a uniformed service who is on ac-
24 tive duty is entitled to the basic pay of the pay grade to

1 which assigned or distributed, in accordance with their
2 years of service computed under section 205 of this title.”;

3 (B) by repealing subsection (c); and

4 (C) in subsections (g) and (h)—

5 (i) in paragraph (1)—

6 (I) in subparagraph (B), by
7 striking “inactive-duty training” and
8 all that follows through the semicolon
9 at the end and inserting “reserve
10 component duty;”;

11 (II) in subparagraph (C), by
12 striking the semicolon at the end and
13 inserting “; or”;

14 (III) in subparagraph (D)—

15 (aa) by striking “inactive-
16 duty training” each place it ap-
17 pears and inserting “reserve com-
18 ponent duty”; and

19 (bb) by striking “; or” at
20 the end and inserting a period;
21 and

22 (IV) by striking subparagraph
23 (E); and

24 (ii) by adding at the end the following
25 new paragraph:

1 “(3) A member of a reserve component of a
2 uniformed service is not entitled to compensation
3 under this subsection for—

4 “(A) work or a course of instruction un-
5 dertaken pursuant to section 12344 of title 10
6 or section 544 of title 32; or

7 “(B) attendance in an inactive status at an
8 educational institution under the sponsorship of
9 an armed force or the Public Health Service.”;
10 (3) in section 206—

11 (A) in the section heading, by striking
12 **“inactive-duty training”** and inserting
13 **“reserve component duty”**;

14 (B) in subparagraphs (A)(ii) and (C) of
15 subsection (a)(3), by striking “inactive-duty
16 training” each place it appears and inserting
17 “reserve component duty”; and

18 (C) in subsection (b)—

19 (i) in paragraph (1), by striking “an
20 assembly for drill or other equivalent pe-
21 riod of training, instruction, duty, or ap-
22 propriate duties” and inserting “a period
23 of reserve component duty”; and

24 (ii) in paragraphs (2) and (3), by
25 striking “assemblies or periods of other

1 equivalent training, instruction, duty, or
2 appropriate duties” and inserting “reserve
3 component duty periods required under
4 section 12353(a) of title 10, or under sec-
5 tion 553(a) of title 32,”;

6 (4) in section 206a—

7 (A) in the section heading, by striking
8 “**inactive-duty training**” and inserting
9 “**reserve component duty**”; and

10 (B) by striking “inactive-duty training”
11 and inserting “reserve component duty”;

12 (5) in subsection (b) of section 302f—

13 (A) in paragraph (2), by striking “under
14 section 12305 of title 10” and inserting “pursu-
15 ant to section 12311 of title 10”; and

16 (B) in subparagraph (A) of paragraph (3),
17 by striking “section 12305 of title 10” and in-
18 serting “section 12311 of title 10”;

19 (6) in section 305b—

20 (A) in subsection (c), in the subsection
21 heading, by striking “INACTIVE DUTY
22 TRAINING” and inserting “RESERVE COM-
23 PONENT DUTY”; and

1 (B) in subsection (e), by striking “section
2 12310(e) of title 10” and inserting “section
3 12352(f)(3) of title 10”;

4 (7) in clause (ii) of section 308(a)(1)(C), by
5 striking “performing active Guard and Reserve duty
6 (as defined in section 101(d)(6) of title 10)” and in-
7 serting “on active duty performing Active Guard and
8 Reserve functions (as that term is defined in section
9 101(c)(8) of title 10)”;

10 (8) in subsection (b) of section 356—

11 (A) in the second sentence, by striking
12 “performing active Guard and Reserve duty (as
13 defined in section 101(d)(6) of title 10)” and
14 inserting “on active duty performing Active
15 Guard and Reserve functions (as that term is
16 defined in section 101(c)(8) of title 10”;

17 (B) in the third sentence, by striking “not
18 performing active Guard or Reserve duty” and
19 inserting “not on active duty performing Active
20 Guard and Reserve functions”;

21 (9) in section 433—

22 (A) in the section heading, by striking
23 “**muster duty**” and inserting “**partici-**
24 **pating in Ready Reserve muster**”;

1 (B) in subsection (a), by striking “muster
2 duty performed pursuant to section 12319 of
3 title 10” and inserting “participating in muster
4 as described in section 12353(b) of title 10”;
5 and

6 (C) in subsection (d), by striking “inactive-
7 duty training” and inserting “reserve compo-
8 nent duty”;

9 (10) in subsection (a) of section 433a, by strik-
10 ing “under section 12319 of title 10” and inserting
11 “as described in section 12353(b) of title 10”;

12 (11) in section 435—

13 (A) in the section heading, by striking
14 “**duty**”; and

15 (B) in paragraph (1) of subsection (a), by
16 striking “funeral honors duty pursuant to sec-
17 tion 12503 of title 10 or section 115 of title
18 32” and inserting “reserve component duty as
19 described in section 12353(d)(2)(A)(i) of title
20 10 or section 553(c)(2)(A)(i) of title 32 to pro-
21 vide honors at the funeral of a veteran”;

22 (12) in section 452(b)—

23 (A) in paragraph (9), by striking “inactive-
24 duty training” and inserting “reserve compo-
25 nent duty”; and

1 (B) in paragraph (10), by striking “duty”;
2 (13) in subsection (a) of section 909, by strik-
3 ing “under section 123 or 12305 of title 10” and in-
4 serting “under section 123 or 12311 of title 10”;
5 and

6 (14) in section 910—

7 (A) by striking the section heading and in-
8 serting the following:

9 **“§ 910. Replacement of lost income: reserve compo-
10 nent members subject to extended and
11 frequent active duty in support of a con-
12 tingency operation”;**

13 (B) in subsection (b)—

14 (i) in paragraph (1)—

15 (I) in the matter preceding sub-
16 paragraph (A), by striking “under an
17 involuntary mobilization order” and
18 inserting “in support of a contingency
19 operation (as that term is defined in
20 section 101(a)(13) of title 10”);

21 (II) in subparagraphs (A) and
22 (B), by striking “under an involuntary
23 mobilization order” and inserting “in
24 support of a contingency operation”;
25 and

1 (III) in subparagraph (C)—

2 (aa) by striking “involun-
3 tarily mobilized for service on ac-
4 tive duty” and inserting “ordered
5 to active duty in support of a
6 contingency operation”; and

7 (bb) by striking “a previous
8 period of active duty” and insert-
9 ing “a previous period of active
10 duty in support of a contingency
11 operation”;

12 (ii) in paragraph (2)—

13 (I) in subparagraph (A), by strik-
14 ing “involuntarily mobilized” and in-
15 serting “ordered to active duty in sup-
16 port of a contingency operation”; and

17 (II) in subparagraph (B), by
18 striking “under subparagraph (A) or
19 (B) of section 12301(h)(1) of title
20 10” and inserting “under section
21 12341 of title 10 for a purpose de-
22 scribed in subparagraph (D) or (E) of
23 section 12351(e)(1) of title 10 or
24 under section 541 of title 32 for a
25 purpose described in subparagraph

1 (D) or (E) of section 551(c)(1) of title
2 32”; and

3 (C) in paragraph (1) of subsection (e), by
4 striking “mobilization” and inserting “order to
5 active duty in support of a contingency oper-
6 ation (as that term is defined in section
7 101(a)(13) of title 10)””; and

8 (15) by striking subsection (c) of section 1002
9 and inserting the following new subsection:

10 “(c) This section does not authorize compensation for
11 work or study—

12 “(1) performed by a member of a reserve com-
13 ponent under section 12344 of title 10 for a purpose
14 described in section 12354(a) of such title, other
15 than that authorized by the Secretary concerned
16 under section 12354(b) of such title; or

17 “(2) performed by a member of the Army Na-
18 tional Guard or the Air National Guard under sec-
19 tion 544 of title 32 for a purpose described in sec-
20 tion 554(a) of such title, other than that authorized
21 by the Secretary concerned under section 554(b) of
22 such title.”.

23 (l) TITLE 38, UNITED STATES CODE.—Title 38,
24 United States Code, is amended—

1 (1) in paragraphs (1) and (2)(A) of section
2 1720D(a), by striking “(as that term is used in sec-
3 tion 12323 of title 10)” and inserting “(as that term
4 is used in section 12352(g) of title 10 and section
5 552(e) of title 32)”;

6 (2) in section 4303—

7 (A) in paragraph (13)—

8 (i) by striking “inactive duty train-
9 ing” and inserting “reserve component
10 duty”;

11 (ii) by inserting “and” after “the
12 Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act,” the second
14 place it appears; and

15 (iii) by striking “, and a period for
16 which a person is absent from employment
17 for the purpose of performing funeral hon-
18 ors duty as authorized by section 12503 of
19 title 10 or section 115 of title 32”; and

20 (B) in paragraph (16), by striking “inac-
21 tive duty training, or full-time National Guard
22 duty” and inserting “or reserve component
23 duty”; and

24 (3) in section 4316, by striking subsection (e).

1 (m) MILITARY SELECTIVE SERVICE ACT.—The Mili-
2 tary Selective Service Act (50 U.S.C. 3801 et seq.) is
3 amended—

4 (1) in section 6 (50 U.S.C. 3806)—

5 (A) in subsection (c)—

6 (i) in paragraph (1), by striking
7 “scheduled drills and training periods” and
8 inserting “required training described in
9 sections 12352(c) and 12353(a) of title 10,
10 United States Code, or sections 552(a) and
11 553(a) of title 32, United States Code,”;
12 and

13 (ii) in the matter following clause (iii)
14 of paragraph (2)(A), by striking “section
15 10147 of title 10 or section 502 of title 32,
16 United States Code,” and inserting “the
17 training described in sections 12352(c) and
18 12353(a) of title 10, United States Code,
19 or sections 552(a) and 553(a) of title 32,
20 United States Code,”; and

21 (B) in paragraph (1) of subsection (d), by
22 striking “under section 10147 of title 10,
23 United States Code)” and inserting “under sec-
24 tion 12342 of title 10, United States Code, for
25 the purpose described in section 12352(c) of

1 title 10, United States Code, or under section
2 542 of title 32, United States Code, for the
3 purpose described in section 552(a) of title 32,
4 United States Code”);

5 (2) in paragraph (2) of section 10(b) (50
6 U.S.C. 3809(b)), by inserting “under section 12342
7 of title 10, United States Code,” after “order to ac-
8 tive duty”; and

9 (3) in subsection (h) of section 16 (50 U.S.C.
10 3814), by striking “scheduled drills and training pe-
11 riods” and inserting “training described in sections
12 12352(c) and 12353(a) of title 10, United States
13 Code, or sections 552(a) and 553(a) of title 32,
14 United States Code,”.

15 **SEC. 12. CONFORMING AMENDMENTS RELATED TO THE**
16 **SPACE FORCE.**

17 (a) **ORDERS TO ACTIVE DUTY: WITH CONSENT OF**
18 **MEMBER.**—Section 20104 of title 10, United States Code,
19 is amended—

20 (1) by amending subsection (a) to read as fol-
21 lows:

22 “(a) **AUTHORITY.**—A member of the Space Force
23 who is serving in a space force active status and is not
24 on sustained duty, or who is serving in a space force inac-
25 tive status, may, with the consent of the member, be or-

1 dered to active duty, or retained on active duty, under
2 chapter 1209 of this title in the same manner as applies
3 to a member of a reserve component ordered to active
4 duty, or retained on active duty, under such chapter with
5 the consent of the member.”; and

6 (2) in subsection (b), by striking paragraphs
7 (1) through (9) and inserting the following:

8 “(1) Section 12312, relating to use of Reserve
9 officers in expansion of armed forces.

10 “(2) Section 12313, relating to release of re-
11 serve members from active duty.

12 “(3) Section 12315, relating to grade in which
13 officers are ordered to active duty.

14 “(4) Section 12316, relating to kinds of duty.

15 “(5) Section 12317, relating to retention after
16 becoming qualified for retired pay.

17 “(6) Section 12318, relating to duty with or
18 without pay.

19 “(7) Section 12319, relating to payment of cer-
20 tain members while on duty.

21 “(8) Section 12321, relating to a limitation on
22 number of reserve members assigned to Reserve Of-
23 ficer Training Corps units.

24 “(9) Section 12351(e)(2), relating to duties and
25 funding of reserve members on active duty.”.

1 (b) ORDERS TO ACTIVE DUTY: WITHOUT CONSENT
2 OF MEMBER.—Section 20106 of title 10, United States
3 Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “inactive
6 duty” both places it appears and inserting “re-
7 serve component duty”; and

8 (B) in paragraph (3), by striking “section
9 12304 of this title” and inserting “section
10 12341 of this title for a purpose described in
11 section 12351(b)(3) of this title”; and

12 (2) in subsection (d), by striking paragraph (1)
13 through (8) and inserting the following:

14 “(1) Section 12311, relating to the authority of
15 the President to suspend certain laws relating to
16 promotion, retirement, and separation.

17 “(2) Section 12313, relating to release from ac-
18 tive duty.

19 “(3) Section 12315, relating to grade in which
20 ordered to active duty.

21 “(4) Section 12316, relating to kinds of duty.

22 “(5) Section 12317, relating to retention after
23 becoming qualified for retired pay.

24 “(6) Section 12318, relating to duty with or
25 without pay.

1 “(7) Section 12319, relating to payment of cer-
2 tain members while on duty.

3 “(8) Section 12320, relating to theological stu-
4 dents; limitations.”.

5 **SEC. 13. CONFORMING AMENDMENTS RELATED TO INAC-**
6 **TIVE DUTY.**

7 (a) INACTIVE-DUTY TRAINING.—

8 (1) TITLE 10, UNITED STATES CODE.—

9 (A) IN GENERAL.—The following provi-
10 sions of title 10, United States Code, are
11 amended by striking “inactive-duty training”
12 each place it appears and inserting “reserve
13 component duty”:

14 (i) Subsections (a)(1) and (b)(2) of
15 section 711.

16 (ii) Subsections (a)(3)(A),
17 (a)(3)(B)(i), (a)(3)(B)(ii), (a)(3)(B)(iii),
18 (d)(2)(B), and (d)(5)(B) of section 802
19 (article 2 of the Uniform Code of Military
20 Justice).

21 (iii) Subsection (d) of section 803 (ar-
22 ticle 3 of the Uniform Code of Military
23 Justice).

24 (iv) in the matter preceding para-
25 graph (1) of subsection (a) and the matter

1 preceding paragraph (1) of subsection (b)
2 of section 936 (article 136 of the Uniform
3 Code of Military Justice).

4 (v) Paragraph (1) of section 976(a).

5 (vi) Subclause (I) of section
6 1044e(a)(2)(B)(iii).

7 (vii) The matter preceding paragraph
8 (1) of section 2601a(b).

9 (viii) Paragraph (3) of section
10 9496(a).

11 (ix) Subsections (a) and (c) of section
12 12604.

13 (x) Subparagraph (G) of section
14 12732(a)(2).

15 (B) CLERICAL AMENDMENTS.—Title 10,
16 United States Code, is amended in section
17 12604, in the section heading, by striking “**in-**
18 **active-duty training**” and inserting “**re-**
19 **serve component duty**”.

20 (2) TITLE 14, UNITED STATES CODE.—The fol-
21 lowing provisions of title 14, United States Code, are
22 amended by striking “inactive-duty training” and in-
23 serting “reserve component duty”:

24 (A) Section 3704.

25 (B) Subsection (a) of section 3705.

1 (3) TITLE 37, UNITED STATES CODE.—

2 (A) IN GENERAL.—The following provi-
3 sions of title 37, United States Code, are
4 amended by striking “inactive-duty training”
5 and inserting “reserve component duty”:

6 (i) Subparagraph (A) of section
7 205(e)(2).

8 (ii) Subsection (e) of section 334.

9 (iii) Subsection (d) of section 352.

10 (iv) Subparagraph (B) of section
11 353(e)(1).

12 (v) Paragraph (3) of section 415(a).

13 (vi) The matter preceding paragraph
14 (1) of subsection (a), the matter following
15 paragraph (2) of subsection (a), and sub-
16 section (d) of section 552.

17 (B) HEADINGS.—The following provisions
18 of title 37, United States Code, are amended, in
19 the subsection headings, by striking “INAC-
20 TIVE DUTY TRAINING” and inserting “RE-
21 SERVE COMPONENT DUTY”:

22 (ii) Subsection (e) of section 334.

23 (iii) Subsection (d) of section 352.

24 (4) TITLE 38, UNITED STATES CODE.—Sub-
25 paragraph (A) of section 3691A(d)(3) is amended by

1 striking “inactive-duty training” and inserting “re-
2 serve component duty”.

3 (5) NATIONAL DEFENSE AUTHORIZATION ACT
4 FOR FISCAL YEAR 2004.—Subsection (a) of section
5 546 of the National Defense Authorization Act for
6 Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.
7 113 note) is amended by striking “inactive-duty
8 training” and inserting “reserve component duty”.

9 (b) INACTIVE DUTY FOR TRAINING.—

10 (1) TITLE 10, UNITED STATES CODE.—The fol-
11 lowing provisions of title 10, United States Code, are
12 amended by striking “inactive duty for training”
13 and inserting “reserve component duty”:

14 (A) Clauses (ii) and (iii) of section
15 1471(b)(3)(A).

16 (B) Subparagraph (D) of section
17 2107(c)(5).

18 (C) Subparagraph (D) of section
19 2107a(c)(4).

20 (2) TITLE 37, UNITED STATES CODE.—Sub-
21 section (a) of section 308d of title 37, United States
22 Code, is amended by striking “inactive duty for
23 training” and inserting “reserve component duty”.

1 (c) INACTIVE DUTY.—The following provisions of law
2 are amended by striking “inactive duty” and inserting
3 “reserve component duty”:

4 (1) Subparagraph (A) of section 231(a)(2) of
5 the Trade Act of 1974 (19 U.S.C. 2291(a)(2)).

6 (2) Subsection (c) of section 308d of title 37,
7 United States Code.

8 (d) REFERENCES TO INACTIVE DUTY, INACTIVE
9 DUTY TRAINING, AND INACTIVE DUTY FOR TRAINING.—
10 Any reference to inactive duty, inactive duty training, or
11 inactive duty for training in a law, rule, regulation, or
12 other record, document, or paper of the United States
13 shall be deemed to be a reference to reserve component
14 duty.

15 **SEC. 14. TRANSITION PROVISIONS; STATUTORY CONSTRUC-**
16 **TION.**

17 (a) EARLY ACCESS TO TRICARE.—

18 (1) IN GENERAL.—A member who, on or after
19 the date of the enactment of this Act, is issued an
20 order described in paragraph (2) to active duty or
21 full-time National Guard duty shall be treated as
22 meeting the eligibility requirements for TRICARE
23 under section 1074(d) of title 10, United States
24 Code, from the date of the issuance of such an
25 order, but not to exceed 180 days before the date on

1 which the period of such duty is to commence under
2 such an order.

3 (2) COVERED ORDERS.—The orders described
4 in this paragraph are as follows:

5 (A) An order to active duty that, beginning
6 on the effective date of this title, will be covered
7 service under section 12341 of title 10, United
8 States Code.

9 (B) An order to full-time National Guard
10 duty that, beginning on the effective date of
11 this title, will be covered service under section
12 541 of title 32, United States Code.

13 (b) TRANSITION TO BENEFITS.—For the purpose of
14 entitlement to benefits—

15 (1) a member's service before the effective date
16 of this title shall be determined based on the orders
17 to duty issued to the member and the law in effect
18 on the day before such effective date; and

19 (2) a member's service on and after the effec-
20 tive date of this title shall be determined based on
21 the order to duty that would have been issued to the
22 member under the reserve component duty consoli-
23 dation under this title, including the amendments
24 made by this title, commencing on such effective
25 date.

1 (c) STATUTORY CONSTRUCTION.—

2 (1) BENEFITS ACCRUED BEFORE EFFECTIVE
3 DATE.—Except as otherwise specifically provided,
4 nothing in this Act or the amendments made by this
5 Act may be construed to provide for a reduction or
6 increase in the benefits accrued by an individual in
7 connection with service occurring before the effective
8 date of this Act, as determined in accordance with
9 regulations prescribed by the Secretary of Defense,
10 or the head of any other Federal department or
11 agency concerned, as appropriate.

12 (2) ACTIVE DUTY OR FULL-TIME NATIONAL
13 GUARD DUTY.—For the purposes of this Act and the
14 amendments made by this Act, if the phrase “active
15 duty or full-time National Guard duty” is followed
16 by the phrase “in support of a contingency oper-
17 ation” or another qualifying phrase, the qualifying
18 phrase shall be construed to apply to both active
19 duty and full-time National Guard duty.

20 **SEC. 15. EFFECTIVE DATE.**

21 (a) IN GENERAL.—Subject to subsection (b), this
22 title shall take effect 10 years after the date of the enact-
23 ment of this Act.

24 (b) PROCESS FOR ESTABLISHING EARLIER EFFEC-
25 TIVE DATE.—The effective date of this title may occur

1 on a date that is earlier than the date specified in sub-
2 section (a) if—

3 (1) the Secretary of Defense, the Secretary of
4 Homeland Security, and the Secretary of Veterans
5 Affairs jointly provide to the congressional defense
6 committees and the Committees on Veterans' Affairs
7 of the Senate and House of Representatives advance
8 written notice of the earlier effective date, together
9 with—

10 (A) a certification by the Secretary of De-
11 fense that each department within the Depart-
12 ment of Defense is prepared to fully implement
13 the reserve component duty consolidation pre-
14 scribed in this title;

15 (B) a certification by the Secretary of
16 Homeland Security that the Coast Guard is
17 prepared to fully implement the reserve compo-
18 nent duty consolidation prescribed in this title;
19 and

20 (C) a certification by the Secretary of Vet-
21 erans Affairs that the Department of Veterans
22 Affairs is prepared to fully implement the
23 amendments to title 38, United States Code, in
24 this title; and

1 (2) a law is enacted providing for the earlier ef-
2 fective date.