SEC. 515. PILOT PROGRAM TO ALLOW ESTABLISHMENT OF ACTIVE STATUS AND INACTIVE STATUS LISTS OF MEMBERS IN THE INACTIVE NATIONAL GUARD.

(a) AUTHORITY TO MAINTAIN ACTIVE AND INACTIVE STATUS LISTS IN THE INACTIVE NATIONAL GUARD.—Section 303 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Army and the Secretary of the Air Force may maintain an active status list and an inactive status list of members in the inactive Army National Guard and the inactive Air National Guard, respectively.

"(2) The total number of Army National Guard and Air National Guard members, combined, on the active status lists and the inactive status lists assigned to the inactive National Guard may not exceed 10,000 during any period.

"(3) The total number of Army National Guard and Air National Guard members, combined, on the active status lists of the inactive National Guard may not exceed 4,000 during any period.

"(5) The authority under this subsection expires at the close of December 31, 2015.".

(b) TWO-WAY TRANSFERS OF MEMBERS FORMERLY ENLISTED IN INACTIVE NATIONAL GUARD.—Subsection (b) of such section is amended—

(1) by striking "Under such" at the beginning of the first sentence and inserting "(1) Except as provided in paragraph (2) and under such";

(2) by striking "Under such" at the beginning of the second sentence and inserting "Except as provided in paragraph (2) and under such"; and

(3) by adding at the end the following new paragraph:

"(2) During the period beginning on the date of the enactment of this paragraph and ending on December 31, 2015, an enlisted member of the active Army National Guard may be transferred to the inactive Army National Guard without regard to whether the member was formerly enlisted in the inactive Army National Guard and an enlisted member of the active Air National Guard may be transferred to the inactive Air National Guard without regard to whether the member was formerly enlisted in the inactive Air National Guard.".

(c) DEFINITION OF "ACTIVE STATUS".—Section 101(d)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, in the case of members of the Army National Guard of the United States during any period during which there is an inactive status list for the inactive Army National Guard under section 303(d) of title 32, such term means the status of such a member who is not assigned to the inactive status list of the inactive Army National Guard, on another inactive status list, or in the Retired Reserve, and in the case of members of the Air National Guard of the United States during any period during which there is an inactive status list for the inactive Air National Guard under section 303(d) of title 32, such term means the status of such a member who is not assigned to the inactive status list of the inactive Air National Guard, on another inactive status list, or in the Retired Reserve.".

(d) MEMBERS IN INACTIVE STATUS; TRAINING CATEGORIES.—Section 10141 of such title is amended by adding at the end the following new subsection:

"(d)(1) During any period during which there is an inactive status list for the inactive Army National Guard under section 303(d) of title 32—

"(A) the first sentence of subsection (b) shall apply only with respect to Reserves assigned to the inactive Army National Guard who are assigned to the inactive status list; and

(B) the exclusion of the Army National Guard of the United States under the first sentence of subsection (c) shall be inapplicable.

"(2) During any period during which there is an inactive status list for the inactive Air National Guard under section 303(d) of title 32—

"(A) the first sentence of subsection (b) shall apply only with respect to Reserves assigned to the inactive Air National Guard who are assigned to the inactive status list; and

(B) the exclusion of the Air National Guard of the United States under the first sentence of subsection (c) shall be inapplicable.".

(e) COMPUTATION OF YEARS OF SERVICE FOR ENTITLEMENT TO RETIRED PAY.—Paragraph (3) of section 12732(b) of such title is amended to read as follows:

"(3) Service in the inactive National Guard (for any period other than a period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32) and service while assigned to the inactive status list of the inactive National Guard (for any period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32).".

(f) ELIGIBILITY FOR INACTIVE-DUTY TRAINING PAY.—Section 206(c) of title 37, United States Code, is amended by adding at the end the following new sentence: "However, with respect to any period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32, the limitation in the preceding sentence shall be applicable to

persons assigned to the inactive status list of the inactive National Guard, rather than to persons enlisted in the inactive National Guard.”.

(g) REPORTING REQUIRED.—

(1) IN GENERAL.—For each fiscal year during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32, the Secretary of the Army and the Secretary of the Air Force, respectively, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing service in the active status of the inactive National Guard.

(2) MATTERS COVERED.—Reports under this subsection shall cover the following:

(A) For each member transferred into the active status of the inactive National Guard, the member’s—

(i) rank;

(ii) years of service;

(iii) military occupational specialty;

(v) date of transfer to the active status list of the inactive National Guard;

(v) date of entry, if applicable, into the Integrated Disability Evaluation System;

(vi) date of exit, if applicable, from the Integrated Disability Evaluation System;

(vii) date of separation from the National Guard, if applicable; and

(viii) number of retirement points earned.

(B) For each member enlisting in or transferring to the Selected Reserve to fill a National Guard vacancy created by another person's transfer to the active status list of the inactive National Guard, the member's—

(i) date of entry into the National Guard;

(ii) rank;

(iii) military occupational specialty;

(iv) prior service, if any, in the active component or the Selected Reserve;

(v) participation in training (as well as the length of the training), including any specialized or leadership training, to facilitate the transfer to the Selected Reserve;

(vi) monetary incentives, if any, and the period of any corresponding service obligation, received for enlisting in or transferring to the Selected Reserve;

(vii) first period of inactive duty training; and

(viii) first period of annual training.

Section-by-Section Analysis

The Inactive National Guard (ING) is the National Guard counterpart to the Individual Ready Reserve (IRR). However, the ING is underutilized because it is subject to unique restrictions. This legislative proposal would create a temporary authority (pilot program) which, if successful, has the potential to transform the existing ING from an entity that does not meet the needs of an operational reserve into an effective tool that dramatically improves the readiness of National Guard units and develops a regimentalized pool of mobilization assets within the National Guard.

As part of the National Guard's transition to an operational reserve, a redesigned ING will allow the National Guard to manage certain long term medically non-deployable Army National Guard personnel (medical readiness category "3B" – non-available for longer than six

months) outside the Selected Reserve, retain as mobilization assets enlisted National Guard personnel who have satisfied their existing military service obligation, as well as to continue to maintain inactive personnel within the ING structure. The capacity to manage certain non-deployable members outside of unit structure will help to better maintain the unit integrity that is crucial to combat effectiveness as well as to facilitate collective training throughout the "train-ready-deploy-reset" cycle, increasing both the cohesion and combat effectiveness of National Guard units. This legislative proposal would remove the blanket restriction on providing compensation to ING members, allowing the National Guard to better self-populate its deploying units, transfer certain non-deployable (injured) members out of Selective Reserve unit slots, and allow National Guard members in the Ready Reserve (outside of the Selected Reserve) to stay affiliated with their units by maintaining their records at the unit level. The goal of this pilot project is to demonstrate proof that this concept can deliver the anticipated benefits at or below the anticipated cost level.

The National Guard is the economical option to maintain combat power in a constrained cost environment and, as overall force levels are reduced, the National Guard will increasingly function as reservoir of trained and ready military power. Updating the National Guard's legal structure to support the "operational reserve" concept is crucial to allow the National Guard to continue to shoulder its share of the Nation's defense and participate effectively and continuously in the "train-ready-deploy-reset" cycle. Managing non-deployable members outside of unit structure is crucial to maintaining unit integrity and readiness (and thereby combat effectiveness) of any unit-based force. This is especially true of rotationally-utilized ground combat forces which cannot effectively function over time on the basis of volunteerism (supplying ready manpower to soon-to-deploy forces by decrementing the readiness of later-to-deploy forces).

The *status quo* obscures significant shortcomings in the structure of the Ready Reserve, imposes unnecessary risk, and provides for inefficient utilization of military manpower. "Unreadiness" is trapped inside National Guard units; currently, all non-deployable members must be maintained within unit structures.

The following describes the specific legislative changes, applicable for the period of the pilot program, to accomplish this transformation:

- 10 U.S.C. 101(d)(4) – Changes the definition of "active status" to exclude only members of the ING on the inactive status list, not all service members in the ING.
- 10 U.S.C. 10141(b) – Changes the definition of "inactive status" to include only those Service members on the new ING inactive status list, instead of including all members of the ING.
- 10 U.S.C. 12732(b)(3) – Excludes time spent on the new ING inactive status list from being counted in the calculation for retirement pay, instead of excluding all time spent in the ING.
- 32 U.S.C. 303 – Allows the two-way transfer of Service members between the drilling National Guard and the ING without regard for whether or not they were formerly enlisted in the ING. as well as imposing numerical caps on participation during the pilot project (which will end on December 31, 2015).

- 37 U.S.C. 206 – The prohibition on paying service members in the ING is modified so that it only applies to service members assigned to the new ING inactive status list.

Finally, the proposal would required the Secretary of the Army and the Secretary of the Air Force, respectively, to report basic demographic data about the members transferred to the active status list of the inactive National Guard, as well as about those members who enlist or are transferred to the Selected Reserve to fill vacancies created by those transferring to the active status lists. These reports would be required each fiscal year when there is an inactive status list of the inactive National Guard under 32 U.S.C. 303(d).

Budgetary Implications: All additional costs could be absorbed by the Army National Guard (ARNG) without any additional appropriations. Most of the projected costs are based on the increased participation rate in the Selected Reserve (backfilling the Selected Reserve with participating soldiers once certain non-participating soldiers are transferred to the ING). Based on adding an estimated 1,000 Soldiers a year to the ING, up to a maximum of 4,000, first year costs are estimated at $3.41 million with a total cost over four FYs of $13.3 million.

RESOURCE REQUIREMENTS ($MILLIONS)								
	FY 2013	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation**	**Budget Activity**	**Dash-1 Line Item**
Air Force	0	0	0	0	0	N/A		
Navy	N/A	N/A	N/A	N/A	N/A	N/A		
Marines	N/A	N/A	N/A	N/A	N/A	N/A		
Army	3.33	4.05	4.37	1.06	N/A	P&A	BA 1	2060-080
Army	0.079	0.16	0.24	0.02	N/A	O&M	BA 1	2065-133
Total	3.41	4.21	4.61	1.08	N/A			

NUMBER OF PERSONNEL AFFECTED*						
	FY 2013	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation To**
Air Force	0	0	0	0	0	N/A
Navy	N/A	N/A	N/A	N/A	N/A	N/A
Army	1,000	2,000	3,000	4,000	N/A	
Total	1,000	2,000	3,000	4,000	N/A	

Direct costs are based on new muster costs and medical screening costs for ING Soldiers. The increase in expenses as a result of this legislation is expected to be small. Additional expenses due to increased Pay Group A participation (pay, RPA, etc.) of soldiers recruited to backfill the slots vacated by soldiers transferring to the active status ING for medical board proceedings may be offset by savings in reduced requirements for Initial Entry Training (IET) and Schools if most of the soldier recruited to backfill have prior military service. That said, we have accounted for these increased participation costs, which make up the overwhelming amount of the resources required. Additional savings in administrative overhead, by managing the ING locally rather

than regionally, may contribute to the overall cost savings. Implementation as a pilot program will allow the overall savings impact to be quantified. There are no personnel affected or budgetary implications for the Air Force/Air National Guard as they have both stated no intention of using the ING authority.

Changes to Existing Law: This proposal would make changes to title 10, 32, and 37 of the United States Code as follows:

TITLE 10, UNITED STATES CODE

§ 101. Definitions

(a) IN GENERAL.— ***

(b) PERSONNEL GENERALLY.—***

(c) RESERVE COMPONENTS.—***

(d) DUTY STATUS.—The following definitions relating to duty status apply in this title:

(1) The term "active duty" means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

(2) The term "active duty for a period of more than 30 days" means active duty under a call or order that does not specify a period of 30 days or less.

(3) The term "active service" means service on active duty or full-time National Guard duty.

(4) The term "active status" means the status of a member of a reserve component who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve. <u>However, in the case of members of the Army National Guard of the United States during any period during which there is an inactive status list for the inactive Army National Guard under section 303(d) of title 32, such term means the status of such a member who is not assigned to the inactive status list of the inactive Army National Guard, on another inactive status list, or in the Retired Reserve, and in the case of members of the Air National Guard of the United States during any period during which there is an inactive status list for the inactive Air National Guard under section 303(d) of title 32, such term means the status of such a member who is not assigned to the inactive status list of the inactive Air National Guard, on another inactive status list, or in the Retired Reserve.</u>

(5) The term "full-time National Guard duty" means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United

States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

(6)(A) The term “active Guard and Reserve duty” means active duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps, or full-time National Guard duty performed by a member of the National Guard pursuant to an order to full-time National Guard duty, for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

(B) Such term does not include the following:

(i) Duty performed as a member of the Reserve Forces Policy Board provided for under section 10301 of this title.

(ii) Duty performed as a property and fiscal officer under section 708 of title 32.

(iii) Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of title 32.

(iv) Duty performed as a general or flag officer.

(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C.App. 460(b)(2)).

(7) The term “inactive-duty training” means--

(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard.

(e) FACILITIES AND OPERATIONS.—***

(f) RULES OF CONSTRUCTION.—***

(g) REFERENCE TO TITLE 1 DEFINITIONS.—***

* * * * *

§ 10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

(d)(1) During any period during which there is an inactive status list for the inactive Army National Guard under section 303(d) of title 32—

(A) the first sentence of subsection (b) shall apply only with respect to Reserves assigned to the inactive Army National Guard who are assigned to the inactive status list; and

(B) the exclusion of the Army National Guard of the United States under the first sentence of subsection (c) shall be inapplicable.

(2) During any period during which there is an inactive status list for the inactive Air National Guard under section 303(d) of title 32—

(A) the first sentence of subsection (b) shall apply only with respect to Reserves assigned to the inactive Air National Guard who are assigned to the inactive status list; and

(B) the exclusion of the Air National Guard of the United States under the first sentence of subsection (c) shall be inapplicable.

* * * * *

§ 12732. Entitlement to retired pay: computation of years of service

(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

(1) The person's years of service, before July 1, 1949, in the following:

(A) The armed forces.

(B) The federally recognized National Guard before June 15, 1933.

(C) A federally recognized status in the National Guard before June 15, 1933.

(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal

recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

(E) The Navy Reserve Force.

(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

(G) The National Naval Volunteers.

(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee--

(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

(A) One point for each day of—

(i) active service; or

(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;

if that service conformed to required standards and qualifications.

(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

(C) Points at the rate of 15 a year for membership--

(i) in a reserve component of an armed force,

(ii) in the Army or the Air Force without component, or

(iii) in any other category covered by subsection (a)(1) except a regular component.

(D) Points credited for the year under section 2126(b) of this title.

(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12503 of this title or section 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph.

For the purpose of clauses (A), (B), (C), (D), and (E), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

(b) The following service may not be counted under subsection (a):

(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Navy Reserve or of the Marine Corps Reserve.

(3) Service in the inactive National Guard (for any period other than a period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32) and service while assigned to the inactive status list of the inactive National Guard (for any period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32).

(4) Service in a non-federally recognized status in the National Guard.

(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

(8) Service in the screening performed pursuant to section 10149 of this title through electronic means, regardless of whether or not a stipend is paid the member concerned for such service under section 433a of title 37.

TITLE 32, UNITED STATES CODE

§ 303. Active and inactive enlistments and transfers

(a) Under regulations to be prescribed by the Secretary of the Army, a person qualified for enlistment in the active Army National Guard may be enlisted in the inactive Army National Guard for a single term of one or three years. Under regulations prescribed by the Secretary of the Air Force, a person qualified for enlistment in the active Air National Guard may be enlisted in the inactive Air National Guard for a single term of one or three years.

(b) ~~Under such~~ (1) Except as provided in paragraph (2) and under such regulations as the Secretary of the Army may prescribe, an enlisted member of the active Army National Guard, not formerly enlisted in the inactive Army National Guard, may be transferred to the inactive Army National Guard. ~~Under such~~ Except as provided in paragraph (2) and under such regulations as the Secretary of the Air Force may prescribe, an enlisted member of the active Air National Guard, not formerly enlisted in the inactive Air National Guard, may be transferred to the inactive Air National Guard. Under such regulations as the Secretary concerned may prescribe, a person enlisted in or transferred to the inactive Army National Guard or the inactive Air National Guard may be transferred to the active Army National Guard or the active Air National Guard, as the case may be.

(2) During the period beginning on the date of the enactment of this paragraph and ending on December 31, 2015, an enlisted member of the active Army National Guard may be transferred to the inactive Army National Guard without regard to whether the member was formerly enlisted in the inactive Army National Guard and an enlisted member of the active Air National Guard may be transferred to the inactive Air National Guard without regard to whether the member was formerly enlisted in the inactive Air National Guard.

(c) In time of peace, no enlisted member may be required to serve for a period longer than that for which he enlisted in the active or inactive National Guard.

(d)(1) The Secretary of the Army and the Secretary of the Air Force may maintain an active status list and an inactive status list of members in the inactive Army National Guard and the inactive Air National Guard, respectively.

(2) The total number of Army National Guard and Air National Guard members, combined, on the active status lists and the inactive status lists assigned to the inactive National Guard may not exceed 10,000 during any period.

(3) The total number of Army National Guard and Air National Guard members, combined, on the active status lists of the inactive National Guard may not exceed 4,000 during any period.

(4) The authority under this subsection expires at the close of December 31, 2015.

TITLE 37, UNITED STATES CODE

§ 206. Reserves; members of National Guard: inactive-duty training

(a) Under regulations prescribed by the Secretary concerned, and to the extent provided for by appropriations, a member of the National Guard or a member of a reserve component of a uniformed service who is not entitled to basic pay under section 204 of this title, is entitled to compensation, at the rate of 1/30 of the basic pay authorized for a member of a uniformed service of a corresponding grade entitled to basic pay—

(1) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday;

(2) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe; or

(3) for a regular period of instruction that the member is scheduled to perform but is unable to perform because of physical disability resulting from an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing—

(i) active duty; or

(ii) inactive-duty training;

(B) while traveling directly to or from that duty or training (unless such injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member); or

(C) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training.

(b) The regulations prescribed under subsection (a) for each uniformed service, the National Guard, and each of the classes of organization of the reserve components within each uniformed service, may be different. The Secretary concerned shall, for the National Guard and each of the classes of organization within each uniformed service, prescribe—

(1) minimum standards that must be met before an assembly for drill or other equivalent period of training, instruction, duty, or appropriate duties may be credited for pay purposes, and those standards may require the presence for duty of officers and enlisted members in numbers equal to or more than a minimum number or percentage of the unit strength for a specified period of time with participation in a prescribed kind of training;

(2) the maximum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties, that may be counted for pay purposes in each fiscal year or in lesser periods of time; and

(3) the minimum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties that must be completed in stated periods of time before the members of units or organizations can qualify for pay.

(c) A person enlisted in the inactive National Guard is not entitled to pay under this section. <u>However, with respect to any period during which there is an inactive status list for the inactive National Guard under section 303(d) of title 32, the limitation in the preceding sentence shall be applicable to persons assigned to the inactive status list of the inactive National Guard, rather than to persons enlisted in the inactive National Guard.</u>

(d)(1) Except as provided in paragraph (2), this section does not authorize compensation for work or study performed by a member of a reserve component or by a member of the National Guard while not in Federal service in connection with correspondence courses of a uniformed service.

(2) A member of the Selected Reserve of the Ready Reserve may be paid compensation under this section at a rate and under terms determined by the Secretary of Defense, but not to exceed the rate otherwise applicable to the member under subsection (a), upon the member's successful completion of a course of instruction undertaken by the member using electronic-based distributed learning methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. The compensation may be paid regardless of whether the course of instruction was under the direct control of the Secretary concerned or included the presence of an instructor.

(3) The prohibition in paragraph (1), including the prohibition as it relates to a member of the National Guard while not in Federal service, applies to—

(A) any work or study performed on or after September 7, 1962, unless that work or study is specifically covered by the exception in paragraph (2); and

(B) any claim based on that work or study arising after that date.

(e) A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.

(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.