SEC. 1003. CONGRESSIONAL FUNERAL SUPPORT.

(a) ACTIVE DUTY SUPPORT.—Section 1491(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary"; and

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

"(2) The Secretary of Defense may, upon request of the leadership of the House of Representative or Senate, provide a funeral honors detail and ceremonial support, to include transportation, for the funeral of a member of Congress or a delegate to Congress who dies while in office.".

(b) NATIONAL GUARD SUPPORT.—Section 115(a) of title 32, United States Code, is amended by inserting "or a member of Congress or a delegate to Congress who dies in office" in the first sentence after "veteran".

Section-by-Section Analysis

This proposal would amend section 1491 of title 10, United States Code, to authorize the Secretary of Defense to provide a funeral honors detail or ceremonial support for the funeral service, and inurnment, or interment, as appropriate, of a member of Congress or a delegate to Congress from a territory of the United States or Washington D.C. who dies in office. Currently, funeral honors are provided without statutory authority but at the discretion of the Secretary. However, only active duty military members may be used to support such functions. National Guard personnel from the state of the member often volunteer to perform such service for their congress person; however, federal funds may not be utilized to pay for such participation. The proposal would amend section 115 of title 32, United States Code, and would authorize federal funding for National Guard participation, preferably from the state of the deceased member, to provide an appropriate ceremony for their elected representatives.

Budget Implications: If enacted, this proposal may increase by a *de minimus* amount the budgetary requirements of the Department of Defense, however, amount is expected to be minimal as the number of serving members of Congress dying while in office is exceptionally small. As active duty military are sometimes utilized to support such functions, the proposal will not cause more expense to the Department of Defense.

RESOURCE SAVINGS ($THOUSANDS)								
	FY 2013	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation To**	**Budget Activity**	**Dash-1 Line Item**
Army	+0	+0	+0	+0	+0	O&M, Army-	04	434
Navy	+0	+0	+0	+0	+0	O&M, Navy	04	4A5M
Marine Corps	+0	+0	+0	+0	+0	O&M, Marine Corps	04	4A5M
Coast Guard	+0	+0	+0	+0	+0	O&M, Coast Guard		
Air Force	>1	+0	+0	+0	+0	O&M, Air Force – 3400	04	42A
Total	0	0	0	0	0			

NUMBER OF PERSONNEL AFFECTED							
	FY 2013	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation To**	**Personnel Type (Officer, Enlisted, or Civilian)**
Army	0	0	0	0	0	N/A	N/A
Navy	0	0	0	0	0	N/A	N/A
*Marine Corps	0	0	0	0	0	N/A	N/A
Air Force	0	0	0	0	0	N/A	N/A
Total	0	0	0	0	0		

Changes to Existing Law: This proposal would make the following changes to section 1491 of title 10, United States Code, and section 115 of title 32, United States Code:

TITLE 10, UNITED STATES CODE

§ 1491. Funeral honors functions at funerals for veterans

(a) Availability of Funeral Honors Detail Ensured. – **(1)** The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran, except when military honors are prohibited under section 985(a) of this title.

(2) The Secretary of Defense may, upon request of the leadership of the House of Representatives or Senate, provide a funeral honors detail and ceremonial support, to include transportation, for the funeral of a member of Congress or delegate to Congress who dies while in office.

(b) Composition of Funeral Honors Details. - (1) The Secretary of each military department shall ensure that a funeral honors detail for the funeral of a veteran consists of two or more persons.

(2) At least two members of the funeral honors detail for a veteran's funeral shall be members of the armed forces (other than members in a retired status), at least one of whom shall be a member of the armed force of which the veteran was a member. The remainder of the detail may consist of members of the armed forces (including members in a retired status), or members of veterans organizations or other organizations approved for purposes of this section under regulations prescribed by the Secretary of Defense. Each member of the armed forces in the detail shall wear the uniform of the member's armed force while serving in the detail.

(c) Ceremony. - A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding of a United States flag and presentation of the flag to the veteran's family and the playing of Taps. Unless a bugler is a member of the detail, the funeral honors detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

(d) Support. - (1) To support a funeral honors detail under this section, the Secretary of a military department may provide the following:

(A) For a person who participates in a funeral honors detail (other than a person who is a member of the armed forces not in a retired status or an employee of the United States), either transportation (or reimbursement for transportation) and expenses or the daily stipend prescribed under paragraph (2).

(B) For members of a veterans organization or other organization referred to in subsection (b)(2) and for members of the armed forces in a retired status, materiel, equipment, and training.

(C) For members of a veterans organization or other

organization referred to in subsection (b)(2), articles of clothing that, as determined by the Secretary concerned, are appropriate as a civilian uniform for persons participating in a funeral honors detail.

(2) The Secretary of Defense shall prescribe annually a flat rate daily stipend for purposes of paragraph (1)(A). Such stipend shall be set at a rate so as to encompass typical costs for transportation and other miscellaneous expenses for persons participating in funeral honors details who are members of the armed forces in a retired status and other persons who are not members of the armed forces or employees of the United States.

(3) A stipend paid under this subsection to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under section 435(a)(2) of title 37 and any other compensation to which the member may be entitled.

(e) Waiver Authority. - (1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation or other military requirements. The authority to make such a waiver may not be delegated to an official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.

(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.

(f) Regulations. - The Secretary of Defense shall prescribe regulations to carry out this section. Those regulations shall include the following:

(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

(2) Procedures for responding and coordinating responses to requests for funeral honors details.

(3) Procedures for establishing standards and protocol.

(4) Procedures for providing training and ensuring quality of

performance.

(g) Annual Report. - The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report not later than January 31 of each year beginning with 2001 and ending with 2005 on the experience of the Department of Defense under this section. Each such report shall provide data on the number of funerals supported under this section, the cost for that support, shown by manpower and other cost factors, and the number and costs of funerals supported by each participating organization. The data in the report shall be presented in a standard format, regardless of military department or other organization.

(h) Veteran Defined. - In this section, the term "veteran" means a decedent who -

(1) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonorable; or

(2) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.

TITLE 32, UNITED STATES CODE

§ 115. Funeral honors duty performed as a Federal function

(a) Order to Duty. - A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran **or a member of Congress or delegate to Congress who dies in office** under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned. Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.

(b) Service Credit. - A member ordered to funeral honors duty under this section shall be required to perform a minimum of two

hours of such duty in order to receive -

(1) service credit under section 12732(a)(2)(E) of title 10; and

(2) as directed by the Secretary concerned, either -

(A) the allowance under section 435 of title 37; or

(B) compensation under section 206 of title 37.

(c) Reimbursable Expenses. - A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

(d) Regulations. - The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.