

97–258, §2(h), Sept. 13, 1982, 96 Stat. 1061; Pub. L. 100–456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 103–337, div. A, title XVI, §1676(a)(1), Oct. 5, 1994, 108 Stat. 3019; (As amended Pub. L. 105–85, div. A, title VI, §603(d)(4), Nov. 18, 1997, 111 Stat. 1783.)

HISTORICAL AND REVISION NOTES 1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107(a)	32:22 (less proviso).	June 3, 1916, ch. 134, §67 (2d par.), 39 Stat. 199;
107(b)	32:22 (proviso, less words between 5th and 7th semicolons).	Sept. 22, 1922, ch. 423, §3, 42 Stat. 1034; Apr. 6, 1928, ch. 321, 45 Stat. 406.
107(c)	32:22 (words between 5th and 7th semicolons of proviso).	

In subsection (a), the words “strengths in enlisted members of the active” are substituted for the words “number of enlisted men in active service”. The words between the eighth and ninth semicolons of 32:22, relating to horses and draft animals, are omitted as obsolete, since no animals are now authorized for the National Guard. The words “under section 106 of this title” are inserted, since only appropriations under that revised section are required to be apportioned.

In subsection (b)(1) and (2), the words “actual and” are omitted as surplusage.

In subsection (b)(2), the words “Reserve Officers holding commission in the National Guard” are omitted as covered by the words “officers of a * * * reserve component of the Army or the Air Force”. The words “Army General Staff” are substituted for the words “War Department General Staff” to conform to section 3031(b) of title 10.

In subsection (c), the words “under sections 251 and 252 of title 37” are substituted for the words “provided in section 19 of title 37”, since allowances for subsistence and quarters are now covered by those sections. The words “shall be paid from appropriations for the National Guard, but not from the allotment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia” are substituted for the words “shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned for any particular State, Territory, or the District of Columbia”.

1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32:107(c) ..	31:698.	Aug. 10, 1956, ch. 1041, §30, 70A Stat. 632.

The work “appropriations” is substituted for “funds appropriated” for consistency in the title.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105–85 substituted “and housing” for “and quarters”.

1994—Subsec. (c). Pub. L. 103–337 substituted “12402” for “3496 or 8496”.

1988—Subsec. (b). Pub. L. 100–456 struck out “the Canal Zone,” after “Puerto Rico,”.

1982—Subsec. (c). Pub. L. 97–258 added subsec. (c).

1971—Pub. L. 92–119, §1(a)(1), substituted “Availability” for “Apportionment” in section catchline.

Subsec. (a). Pub. L. 92–119, §1(a)(2), (3), (4), redesignated subsec. (b) as (a) and substituted “appropriation for the National Guard” for “apportioned appropriation”. Former subsec. (a), which provided for apportionment of appropriations for Army National Guard and Air National Guard under prescribed formulas among States, territories, Puerto Rico, Canal Zone, District of Columbia, was struck out.

Subsecs. (b), (c). Pub. L. 92–119, §1(a)(4), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a) and amended.

1967—Subsec. (c). Pub. L. 90–83 substituted “402 and 403” for “251 and 252”.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105–85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 18502.

§ 108. Forfeiture of Federal benefits

If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600; Pub. L. 103–337, div. A, title IX, §904(c), Oct. 5, 1994, 108 Stat. 2827.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
108	32:24.	June 3, 1916, ch. 134, §116, 39 Stat. 212.

The words “does not comply” are substituted for the words “shall * * * have failed or refused to comply”. The words “a requirement of, or regulation prescribed under, this title” are substituted for the words “any requirement of this title, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of the Army”. The words “money or any other aid” are substituted for the words “pecuniary or other aid”. The words “or provided by this title or any other” are omitted as surplusage.

AMENDMENTS

1994—Pub. L. 103–337 amended section generally. Prior to amendment, section read as follows: “If, within a time to be fixed by the President, a State does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred, wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103–337, set out as an Effective Date note under section 10501 of Title 10, Armed Forces.

§ 109. Maintenance of other troops

(a) In time of peace, a State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia may maintain no troops other than those of its National Guard and defense forces authorized by subsection (c).

(b) Nothing in this title limits the right of a State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia to use its National Guard or its defense forces authorized by subsection (c) within its borders in time of