

“(i) Each foreign country in which the activities were conducted.

“(ii) The type of activities conducted, the duration of the activities, and the number of members of the National Guard of each State or territory involved in such activities.

“(iii) The extent of participation in the activities by the military forces and security forces or other government organizations of such foreign country.

“(iv) A summary of expenditures to conduct the activities, including the annual cost of the activities, with a breakdown of such expenditures by geographic combatant command and country.

“(v) With respect to activities described in subsection (b), the objective of the activities, and a description of how the activities support the theater campaign plan of the commander of the geographic combatant command with responsibility for the country or countries in which the activities occurred.

“(vi) An assessment of the extent to which the activities conducted during the previous year met the objectives described in clause (v).

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to supersede any authority under title 10, United States Code, as in effect on the date of the enactment of this Act [Dec. 26, 2013].

“(h) [there are two subsecs. (h)] **DEFINITIONS.**—In this section:

“(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

“(2) **INCREMENTAL EXPENSES.**—The term ‘incremental expenses’, with respect to a foreign country—

“(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country’s participation in activities conducted under subsection (a); and

“(B) does not include—

“(i) any form of lethal assistance (excluding training ammunition); or

“(ii) pay, allowances, and other normal costs of the personnel of the country.

“(h) [there are two subsecs. (h)] **REPEAL OF SUPERSEDED AUTHORITY.**—[Repealed section 1210 of Pub. L. 111-84, formerly set out as a note below.]

“(i) **TERMINATION.**—The authority granted under subsection (a) shall terminate on September 30, 2021.”

**LIMITATION ON ACTIVITIES UNDER STATE PARTNERSHIP PROGRAM PENDING COMPLIANCE WITH CERTAIN PROGRAM-RELATED REQUIREMENTS**

Pub. L. 112-239, div. A, title XII, §1204, Jan. 2, 2013, 126 Stat. 1982, provided that:

“(a) **LIMITATION.**—If both requirements specified in subsection (b) are not met as of February 28, 2013, no activities may be carried out under the State Partnership Program after that date until both requirements are met.

“(b) **REQUIREMENTS.**—The requirements specified in this subsection are the following:

“(1) The requirement for the Secretary of Defense to submit to the appropriate congressional committees the final regulations required by subsection (a) of [former] section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2517; 32 U.S.C. 107 note).

“(2) A requirement for the Secretary of Defense to certify to the appropriate congressional committees that appropriate modifications have been made, and appropriate controls have been instituted, to ensure the compliance of the Program with section 1341 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’), in the future.

“(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ has the meaning given that term in subsection (d) of [former] section 1210 of the National Defense Authorization Act for Fiscal Year 2010.”

**AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM**

Pub. L. 111-84, div. A, title XII, §1210, Oct. 28, 2009, 123 Stat. 2517, which required the Secretary of Defense to prescribe regulations regarding appropriated funds for the State Partnership Program, submit the regulations to defense and foreign relations committees, and report to the committees, was repealed by Pub. L. 113-66, div. A, title XII, §1205(h), Dec. 26, 2013, 127 Stat. 899.

**§ 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, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands 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, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands to use its National Guard or its defense forces authorized by subsection (c) within its borders in time of peace, or prevents it from organizing and maintaining police or constabulary.