

1977—Subsec. (a). Pub. L. 95-79 substituted “Under regulations prescribed by him, the Secretary of the Army may have an inspection made” for “The Secretary of the Army shall have an inspection made at least once a year” and added cl. (6).

§ 106. Annual appropriations

Sums will be appropriated annually, out of any money in the Treasury not otherwise appropriated, for the support of the Army National Guard and the Air National Guard, including the issue of arms, ordnance stores, quartermaster stores, camp equipage, and other military supplies, and for the payment of other expenses authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
106	32:21.	June 3, 1916, ch. 134, §67 (1st par.), 39 Stat. 199.

The words “issue of” are substituted for the words “the expense of providing”. The words “for issue to the National Guard” and “pertaining to said guard as are or may be” are omitted as surplusage.

§ 107. Availability of appropriations

(a) Under such regulations as the Secretary concerned may prescribe, appropriations for the National Guard are available for—

- (1) the necessary expenses of members of a regular or reserve component of the Army or the Air Force traveling on duty in connection with the National Guard;
- (2) the necessary expenses of members of the Regular Army or the Regular Air Force on duty in the National Guard Bureau or with the Army Staff or the Air Staff, traveling to and from annual conventions of the Enlisted Association of the National Guard of the United States, the National Guard Association of the United States, or the Adjutants General Association;
- (3) the transportation of supplies furnished to the National Guard as permanent equipment;
- (4) the office rent and necessary office expenses of officers of a regular or reserve component of the Army or the Air Force on duty with the National Guard;
- (5) the expenses of the National Guard Bureau, including clerical services;
- (6) the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges;
- (7) such incidental expenses of authorized encampments, maneuvers, and field instruction as the Secretary considers necessary; and
- (8) other expenses of the National Guard authorized by law.

(b) The expenses of enlisted members of the Regular Army or the Regular Air Force on duty with the National Guard shall be paid from appropriations for the Army National Guard or the Air National Guard, as the case may be, but not from the allotment of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands. Payable expenses

include allowances for subsistence and housing under sections 402 and 403 of title 37 and expenses for medicine and medical attendance.

(c) The pay and allowances for the Chief of the National Guard Bureau and officers of the Army National Guard of the United States or the Air National Guard of the United States called to active duty under section 12402 of title 10 shall be paid from appropriations for the pay of the Army National Guard or Air National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599; Pub. L. 90-83, §4, Sept. 11, 1967, 81 Stat. 220; Pub. L. 92-119, §1(a), Aug. 13, 1971, 85 Stat. 340; Pub. L. 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; Pub. L. 105-85, div. A, title VI, §603(d)(4), Nov. 18, 1997, 111 Stat. 1783; Pub. L. 108-136, div. A, title V, §514(a), Nov. 24, 2003, 117 Stat. 1460; Pub. L. 109-163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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

2006—Subsec. (b). Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, or the District of Columbia”.

2003—Subsec. (a)(2). Pub. L. 108-136 substituted “members” for “officers”, “Army Staff” for “Army General Staff”, and “the Enlisted Association of the National Guard of the United States, the National Guard Association of the United States,” for “the National Guard Association of the United States”.

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 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, §514(b), Nov. 24, 2003, 117 Stat. 1460, provided that: “The amendments made by subsection (a) [amending this section] shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2004.”

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.

DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM

Pub. L. 113-66, div. A, title XII, §1205, Dec. 26, 2013, 127 Stat. 897, as amended by Pub. L. 114-92, div. A, title XII, §1203(a)-(e), (g)-(i), Nov. 25, 2015, 129 Stat. 1037-1039, related to the Department of Defense State Partnership Program, prior to repeal by Pub. L. 114-328, div. A, title XII, §1246(e), Dec. 23, 2016, 130 Stat. 2521. See section 341 of Title 10, Armed Forces.

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