

Editorial Notes

AMENDMENTS

2011—Subsecs. (a) to (c). Pub. L. 111-383 amended directory language of Pub. L. 109-163, § 1057(b)(3). See 2006 Amendment note below.

2006—Subsecs. (a) to (c). Pub. L. 109-163, § 1057(b)(3), as amended by Pub. L. 111-383, substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia”.

1988—Subsecs. (a) to (c). Pub. L. 100-456 struck out “the Canal Zone,” after “Virgin Islands.”

1958—Subsecs. (a), (b). Pub. L. 85-861, § 2(2)(A), substituted “defense forces authorized by subsection (c)” for “State defense forces”.

Subsecs. (c) to (e). Pub. L. 85-861, § 2(2)(B), added subsecs. (c) to (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title X, § 1075(h), Jan. 7, 2011, 124 Stat. 4377, provided that the amendment made by section 1075(h)(4)(B) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109-163 as enacted.

§ 110. Regulations

The President shall prescribe regulations, and issue orders, necessary to organize, discipline, and govern the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
110	32:17.	June 3, 1916, ch. 134, § 118, 39 Stat. 213.

The word “rules” is omitted as covered by the word “regulations”. The words “National Guard” are substituted for the words “the militia provided for in this title”. The words “for the thorough” are omitted as surplusage.

§ 111. Suspension of certain provisions of this title

In time of war, or of emergency declared by Congress, the President may suspend the operation of any provision of sections 307(e), 309, 310, and 323(d) and (e)¹ of this title with respect to the Army National Guard or the Air National Guard.

(Added Pub. L. 85-861, § 2(3), Sept. 2, 1958, 72 Stat. 1543.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
111	50:1199 (as applicable to National Guard).	Sept. 3, 1954, ch. 1257, § 209 (as applicable to National Guard), 68 Stat. 1152.

Reference to the exception in section 307(a) is omitted as unnecessary because a suspension of section 307(e) of this title, or of section 8365 or 8366 of Title 10, will in effect suspend that exception so far as it refers to the suspended section. A reference to the remainder of section 307(a) is omitted as unnecessary because the general rule that it states exists independently of that

¹ See References in Text note below.

part of the source law for section 307(a) that is suspendible under this section. A reference to section 307(f) is omitted as unnecessary because a suspension of section 307(e) will in effect suspend section 307(f) so far as it applies to section 307(e). 50:1199 (2d sentence) is omitted as inapplicable to the National Guard.

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REFERENCES IN TEXT

Section 323(e) of this title, referred to in text, was repealed by Pub. L. 103-337, div. A, title XVI, § 1630(2), Oct. 5, 1994, 108 Stat. 2964.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense, see section 1(11) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 112. Drug interdiction and counter-drug activities

(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c). Such funds shall be used for the following:

(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of drug interdiction and counter-drug activities.

(2) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.

(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities. However, the use of such funds for the procurement of equipment may not exceed \$5,000 per item, unless approval for procurement of equipment in excess of that amount is granted in advance by the Secretary of Defense.

(b) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—(1) Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.

(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities. The member is not entitled to addi-