

(c) WAIVER AUTHORITY.—(1) Notwithstanding section 101(d)(6)(A) of title 10 and subsection (b) of this section, the Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, may, at the request of the Secretary concerned, order a member of the National Guard to perform Active Guard and Reserve duty for purposes of performing training of the regular components of the armed forces as the primary duty.

(2) Training performed under paragraph (1) must be in compliance with the requirements of section 502(f)(2)(B)(i) of this title.

(3) No more than 100 personnel may be granted a waiver by a Secretary concerned under paragraph (1) at a time.

(4) The authority under paragraph (1) shall terminate on October 1, 2024.

(Added Pub. L. 109-364, div. A, title V, §526(a), Oct. 17, 2006, 120 Stat. 2196; amended Pub. L. 117-263, div. A, title V, §515(a), Dec. 23, 2022, 136 Stat. 2566.)

Editorial Notes

PRIOR PROVISIONS

A prior section 328, act Aug. 10, 1956, ch. 1041, 70A Stat. 608, related to special courts-martial of the National Guard not in Federal service, prior to repeal by Pub. L. 107-314, div. A, title V, §512(c), Dec. 2, 2002, 116 Stat. 2537, applicable with respect to courts-martial convened after Dec. 2, 2002.

AMENDMENTS

2022—Subsec. (c). Pub. L. 117-263 added subsec. (c).

§ 329. Prohibition on private funding for interstate deployment

A member of the National Guard may not be ordered to cross a border of a State to perform duty (under this title or title 10) if such duty is paid for with private funds, unless such duty is in response to a major disaster or emergency under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(Added Pub. L. 117-81, div. A, title V, §512(a), Dec. 27, 2021, 135 Stat. 1682.)

Editorial Notes

PRIOR PROVISIONS

A prior section 329, act Aug. 10, 1956, ch. 1041, 70A Stat. 608, which related to summary courts-martial of National Guard not in Federal service, was repealed by Pub. L. 107-314, div. A, title V, §512(c)(1), Dec. 2, 2002, 116 Stat. 2537.

[[§ 330 to 333. Repealed. Pub. L. 107-314, div. A, title V, § 512(c)(1), Dec. 2, 2002, 116 Stat. 2537]

Section 330, act Aug. 10, 1956, ch. 1041, 70A Stat. 609, related to confinement instead of fine for a court-martial in the National Guard not in Federal service.

Section 331, acts Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100-456, div. A, title XII, §1234(b)(3), Sept. 29, 1988, 102 Stat. 2059, related to sentence of dismissal or dishonorable discharge in the National Guard not in Federal service.

Section 332, act Aug. 10, 1956, ch. 1041, 70A Stat. 609, authorized the president of a court-martial or a sum-

mary court officer to compel attendance of accused and witnesses in the National Guard not in Federal service.

Section 333, acts Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059, related to execution of process and sentence of courts-martial in the National Guard not in Federal service.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 107-314, div. A, title V, §512(c)(2), Dec. 2, 2002, 116 Stat. 2537, provided that: “The provisions of law repealed by paragraph (1) [repealing sections 328 to 333 of this title] shall continue to apply with respect to courts-martial convened in the National Guard not in Federal service before the date of the enactment of this Act [Dec. 2, 2002].”

[§ 334. Repealed. Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666]

Section, added Pub. L. 94-464, §2(b), Oct. 8, 1976, 90 Stat. 1986; amended Pub. L. 96-513, title V, §515(3), Dec. 12, 1980, 94 Stat. 2937, provided for the payment of malpractice liability of National Guard Medical personnel. See sections 1089(a) of Title 10, Armed Forces, and 2671 of Title 28, Judiciary and Judicial Procedure.

Statutory Notes and Related Subsidiaries

AMENDMENT AFTER REPEAL

Pub. L. 97-258, §3(h)(1), Sept. 13, 1982, 96 Stat. 1065, purported to substitute “section 1304 of title 31” for “section 1302 of the Act of July 27, 1956, (31 U.S.C. 724a)” in subsec. (a) of section 334 of this title, without reference to the earlier repeal of that section by Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666.

EFFECTIVE DATE OF REPEAL

Repeal effective only with respect to claims arising on or after Dec. 29, 1981, see section 4 of Pub. L. 97-124, set out as an Effective Date of 1981 Amendment note under section 1089 of Title 10, Armed Forces.

[§ 335. Repealed. Pub. L. 98-525, title IV, § 414(b)(2)(A), Oct. 19, 1984, 98 Stat. 2519]

Section, added Pub. L. 98-94, title V, §504(b)(1), Sept. 24, 1983, 97 Stat. 632, related to status of certain members of the National Guard performing full-time duty.

CHAPTER 5—TRAINING

- Sec. 501. Training generally.
- 502. Required drills and field exercises.
- 503. Participation in field exercises.
- 504. National Guard schools and small arms competitions.
- 505. Army and Air Force schools and field exercises.
- 506. Assignment and detail of members of Regular Army or Regular Air Force for instruction of National Guard.
- 507. Instruction in firing; supply of ammunition.
- 508. Assistance for certain youth and charitable organizations.
- 509. National Guard Youth Challenge Program of opportunities for civilian youth.
- 510. Authorization for FireGuard Program.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, div. A, title V, §515(b), Dec. 22, 2023, 137 Stat. 249, added item 510.

2004—Pub. L. 108-375, div. A, title V, §594(b)(2), Oct. 28, 2004, 118 Stat. 1936, substituted “National Guard