

**TITLE 32 - NATIONAL GUARD
CHAPTER 3 - PERSONNEL**

§ 328. Active Guard and Reserve duty: Governor's authority

(a) Authority.— 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, with the consent of the Secretary concerned, may order a member of the National Guard to perform Active Guard and Reserve duty, as defined by section 101 (d)(6) of title 10, pursuant to section 502 (f) of this title.

(b) Duties.— A member of the National Guard performing duty under subsection (a) may perform the additional duties specified in section 502 (f)(2) of this title to the extent that the performance of those duties does not interfere with the performance of the member's primary Active Guard and Reserve duties of organizing, administering, recruiting, instructing, and training the reserve components.

(Added Pub. L. 109–364, div. A, title V, § 526(a), Oct. 17, 2006, 120 Stat. 2196.)

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.