

TITLE 32.—NATIONAL GUARD

Chapter 1.—COMPOSITION, ORGANIZATION, AND CONTROL GENERALLY.

★ Section 17. Rules and regulations.—The President shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this title.

This section constitutes § 118 of Act June 3, 1916, c. 134, 39 Stat. 213. It was omitted from the Code but would seem to be still in force.

Chapter 2.—FUNDS FOR SUPPORT OF NATIONAL GUARD.

Section 22. Apportionment and disbursement of appropriation.— * * * with the National Guard; for actual and necessary expenses incurred by officers of the Regular Army, and Reserve Officers holding commissions in the National Guard on active duty in the Militia Bureau or the War Department General Staff, while traveling in attending the annual conventions of the National Guard Association of the United States and The Adjutants General Association; for the transportation * * * and wagons for forage for the same; * * *

The statutory provision constituting § 22 of this title was amended by Act Apr. 6, 1928, c. 321, 45 Stat. 406, entitled "An Act to amend the second paragraph of section 67, National Defense Act, as amended."

The amendment added the matter in italics set out above and omitted the semicolon after the word "wagons."

★ 23. Proceeds of sale of disused target ranges.—

"section 49" in last line of this section should read "sections 21 and 22."

26. Reduction of certain units to meet appropriation.—

The statutory provision constituting § 26 of this title was repealed for the fiscal years 1927, 1928, 1929, and 1930 in the War Department Appropriations Acts of Apr. 15, 1926, c. 146, Title I, 44 Stat. 282, Feb. 23, 1927, c. 167, Title I, 44 Stat. 1133, Mar. 23, 1928, c. 232, § 1, 45 Stat. 348, and Feb. 28, 1929, c. 366, Title I, 45 Stat. 1360.

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES.

Section 32. Purchase of and accountability for arms and equipment.—

"Feb. 12, 1887, c. 120, § 3, 24 Stat. 402" should precede the citation at the end of this section as an additional citation.

36. Issue of automatic pistols.—

It seems probable that the provisions of the Act embodied in this section were superseded by the provisions of the National Defense Act constituting §§ 33 and 40 of this title.

42. Care of animals; armament, etc.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be so compensated shall not exceed five for each organization, except heavier-than-air squadrons, for each of which a maximum of ten to be so compensated is hereby authorized, and shall, save as otherwise provided in the next succeeding proviso, be duly enlisted therein and detailed by the organization commander, and shall be paid by the United States disbursing

officer in each State, Territory, and the District of Columbia: *Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant: *And provided further*, That in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the materials, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ civilians for any or all except one of the caretakers authorized for the organization, and such civilians shall be entitled to such compensations as may be fixed by the Secretary of War. *Provided further*, That nothing in this section shall be held to increase the number of commissioned officers authorized by law.

The statutory provision constituting § 42 of this title was amended to read as above by § 1 of Act May 28, 1926, c. 417, 44 Stat. 673, entitled "An Act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes," and Act Apr. 21, 1928, c. 307, 45 Stat. 410, entitled "An Act to amend section 90 of the National Defense Act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized."

The amendment of 1926 affected the second proviso and added the last proviso.

Prior to amendment by Act Apr. 21, 1928, c. 307, the second proviso read as follows: "*Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant, and that in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the material, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ one civilian caretaker therefor who shall be entitled to such compensations as may be fixed by the Secretary of War."

44. Issue of clothing, equipment, etc.—

The statutory provisions constituting § 44 of this title were repealed in the War Department Appropriation Acts of Apr. 15, 1926, c. 146, Title I, 44 Stat. 282, and Feb. 23, 1927, c. 167, Title I, 44 Stat. 1132.

Chapter 4.—INSTRUCTION, TRAINING, AND DISCIPLINE.

Section 64. Camps for instruction of officers and enlisted men.—Under such regulations as the President may prescribe the Secretary of War may provide for assemblages of officers, warrant officers, and enlisted men of the National Guard for the purpose of attending schools to be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, or for the purpose of participating in small arms competitions. Such assemblages may be held either within or without the State, Territory, or District of Columbia, to which the members of the National Guard designated to attend them shall belong.

The statutory provision constituting § 64 of this title was amended to read as above by a part of § 2 of Act May 28, 1926, c. 417, 44 Stat. 674, entitled "An Act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes." Numerous changes.

65. Officers or enlisted men selected to attend service schools or to receive practical routine instruction during field exercises.—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory, or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers, *warrant officers*, or enlisted men of the National Guard to attend and pursue a regular course of study at any military-service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for

routine practical instruction at or near an Army post during a period of field training or other outdoor exercises.

The statutory provision constituting § 65 of this title was amended to read as above by a part of § 3 of Act May 28, 1926, c. 417, 44 Stat. 674. Matter in italics new.
For title of Act see note to § 64.

Chapter 5.—CALL OR DRAFT INTO FEDERAL SERVICE.

★ **Section 81a. Authority to call forth militia.**—Whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose through the governor of the respective State or Territory, or through the commanding general of the Militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.

This section constitutes § 4 of Act Jan. 21, 1903, c. 196, 32 Stat. 776, as amended by § 3 of Act May 27, 1908, c. 204, 35 Stat. 400. It was inaccurately stated in the Code and is reprinted here with corrections.

84. Drafting Philippine Militia into Federal service.—

"40 Stat." in citation to this section should read "40 Stat. 432."

Chapter 8.—ENLISTED FORCE.

★ **Section 121. Enlisted strength of National Guard.**—* * * : *Provided further*, That the word Territory as used in this title and in all laws relating to the land militia and National Guard shall include and apply to Hawaii, Alaska, Porto Rico, and the Canal Zone, and the militia of the Canal Zone shall be organized under such rules and regulations, not in conflict with the provisions of this title, as the President may prescribe.

This section, constituting § 62 of Act June 3, 1916, c. 134, 39 Stat. 108, was incompletely stated in the Code, in that it omitted the proviso set out above. The proviso should be added to the Code section at the end thereof, after a colon following the word "herein."

★ **122. Compliance with preceding section.—**

"section 62" in last line of this section should read "said section."

Chapter 9.—NATIONAL GUARD RESERVE.

Section 131. Establishment and organization.—[Repealed.]—

Section 78 of Act June 3, 1916, c. 134, 39 Stat. 202, of which § 131 of this title is a part, was amended by Act June 4, 1920, c. 227, § 42, 41 Stat. 782 "by striking out the same and inserting" in lieu thereof the provisions which constitute section 132 of this title.

Chapter 10.—PAY AND ALLOWANCES.

Section 143a. Armory drill pay; basis of computation.—Armory drill pay shall be computed upon a fiscal year basis instead of calendar year.

New. This section constitutes a part of the War Department Appropriation Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 282.

145. Pay and allowances for attending instruction camps.—Officers and warrant officers of the National Guard attending assemblages provided for in section 64 of this title shall be entitled to pay, allowances, and transportation, and enlisted men to pay, transportation, and subsistence at the same rates as for encampments or maneuvers for field or coast-defense instruction.

The statutory provision constituting § 145 of this title was amended to read as above by a part of § 2 of Act May 28, 1926, c. 417, 44 Stat. 674, entitled "An Act to amend in certain particu-

lars the National Defense Act of June 3, 1916, as amended, and for other purposes." Numerous changes.

146. Pay and allowances for attendance at service schools.—When any National Guard officer, warrant officer, or enlisted man is selected to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises, as provided for in section 65 of this title, such officer, or warrant officer, shall receive out of any National Guard allotment of funds available for the purpose, the pay and allowances provided in Title 37, for officers and warrant officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 20 of said title, and any such enlisted man shall receive therefrom, except as otherwise provided in section 23 of said title, the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction, and for the necessary period of travel from and to his home station: *Provided*, That all pay and allowances accruing to any officer, warrant officer, or enlisted man, including that for the period of travel to home stations, may be paid prior to departure from the post or other place at which such service is performed: *Provided further*, That an officer, warrant officer, or enlisted man who becomes sick in line of duty while undergoing the training provided for by section 65 of this title or the training provided for by section 63 or section 64 of this title shall, while he is so sick during the period he is authorized to engage in such training, be entitled to pay and allowances the same as if he were actually participating in such training.

The statutory provision constituting § 146 of this title was amended to read as above by a part of § 3 of Act May 28, 1926, c. 417, 44 Stat. 674.

For title of Act see note to § 145.

154. Pay of enlisted men of grades other than sixth and seventh.—

* * * * *

All amounts appropriated for the purpose of this section and sections 143 and 148 of this title shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and effective as soon as practicable after July 1, 1928, all disbursements under the foregoing provisions of this section shall be made for such three-months periods for the various units of the National Guard as shall be prescribed in regulations issued by the Secretary of War and on pay rolls prepared and authenticated in the manner prescribed in said regulations: *Provided*, That for the period necessary to put into operation the payment plan herein provided for, the Secretary of War is authorized to fix initial pay periods of less than three months for such number of units as he may deem necessary: *And provided further*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by, and chargeable to, such officer or enlisted man.

* * * * *

The statutory provision constituting § 154 of this title was amended by Act Apr. 6, 1928, c. 322, 45 Stat. 407, entitled "An Act to amend section 110, National Defense Act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men."

The amendment affected the second paragraph set out above.