

TITLE 32.—NATIONAL GUARD

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

Section 1. Composition and classes of militia.—

The War Department, commenting on this section, says: "Under the Act of Feb. 16, 1914 (38 Stat. 283) the Naval Militia constituted part of the 'Organized Militia.' The above section abandoned the term 'Organized Militia,' and the Naval Militia was by this section, and by section 117 of the Act of June 3, 1916 (39 Stat. 212 (32 U. S. C. § 2)), recognized as constituting part of the 'militia.' The Act of June 14, 1917 (40 Stat. 184) recognized the possible existence during the World War of militia organizations not a part of the National Guard or of the Naval Militia. All laws relating to the Naval Militia were repealed by the Act of July 1, 1918 (40 Stat. 708) but by the Act of July 11, 1919 (41 Stat. 141) the Naval Militia was recognized as still in existence, and by the Acts of July 1, 1922 (42 Stat. 703) and May 28, 1924 (43 Stat. 188) a part of the 'Organized Militia' was to constitute temporarily a Naval Militia. Except for a reference immaterial here, all Acts and parts of Acts relating to the Naval Militia were repealed by section 3, Act of Feb. 28, 1925 (43 Stat. 1080), but section 28 of the same Act (43 Stat. 1088; 34 U. S. C. 841) prescribed that part of the 'Organized Militia' should constitute a Naval Militia."

★ 2. Militia exclusively a land force.—

Add as additional citations to this section "May 27, 1908, c. 204, § 1, 35 Stat. 399; Feb. 28, 1925, c. 374, § 3, 43 Stat. 1081."

★ 5. Organization of tactical units.—

This section in the Code should have at the end thereof the additional citation "June 3, 1916, c. 134, § 60, 39 Stat. 197."

★ 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. (June 3, 1916, c. 134, § 118, 39 Stat. 213.)

This section 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 convocations of the National Guard Association of the United States and The Adjutants General Association; for the transportation * * * and wagons for forage for the same; * * * (As amended Apr. 6, 1928, c. 321, 45 Stat. 406.)

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

★ This section in the Code should have at the end thereof the additional citation "June 3, 1916, c. 134, § 67, 39 Stat. 199."

★ 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.—

It is the opinion of the War Department that this section is temporary and should be omitted.

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES.

★ Section 31. Type of arms, equipment, etc.—

It is recommended by the War Department that the heading of this section be changed to read: "Type of arms; equipment and uniforms."

32. Purchase of and accountability for arms and equipment.—[Repealed.]

This section was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028.

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★ 33. Issue of arms to National Guard.—

It is recommended by the War Department that the heading of this section be changed to read: "Issue of arms, equipment, material, uniforms, etc., to National Guard."

★ 34. Issue of new types of small arms.—

This section appears to be superseded by § 35 of this title.

36 Issue of automatic pistols.—

Commenting on this section the War Department says: "It seems probable that the provisions of the Act of Mar. 3, 1911, embodied in this section, were superseded by sections 67 and 83 of the National Defense Act [sections 33 and 40 of this title]. In any event, the purpose of the Act in question was to effect an exchange of the old type revolvers for the automatic pistols without expense to the States, and it is probable that such exchange has been fully accomplished. The provisions of this section are therefore obsolete."

★ 37. Issue of Field Artillery matériel.—

The War Department is of opinion that this section is not permanent legislation and recommends its omission from the Code.

★ 39a. Cash sales of Government articles to militia of State, Territory, or District of Columbia; authority of any governmental department to receive articles back on credit basis.—

Whenever articles of Government property are sold for cash to any State, Territory, or to the District of Columbia, for the use of the organized militia, thereby ceasing to be the property of the United States, none of the articles so sold shall be received back by any department of the Government upon the basis of allowing any credit therefor, except when such articles form part of the equipment of troops mustered into the service of the United States in time of war. (June 23, 1910, c. 370, § 3, 36 Stat. 603.)

This section omitted from the Code appears to be still in force.

★ 40. Purchase of animals with National Guard funds.—

This section in the Code should have at the end thereof the additional citation "June 3, 1916, c. 134, § 80, 39 Stat. 205."

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