

commissioned officers authorized by law. (As amended May 28, 1920, c. 417, § 1, 44 Stat. 673; Apr. 21, 1928, c. 397, 45 Stat. 440.)

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

Prior to amendment by Act Apr. 21, 1928, c. 397, 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."

★ This section should have at the end thereof the additional citations "June 3, 1916, c. 134, § 90, 39 Stat. 205; June 4, 1920, c. 227, Subchapter I, § 46, 41 Stat. 783; Mar. 1, 1922, c. 90, 42 Stat. 401."

44. Issue of clothing, equipment, etc.—

It is the opinion of the War Department that this section is temporary and should be omitted from the Code as the provision is found annually in the form of a proviso in War Department Appropriation Acts.

★ 47. Military property lost, destroyed, damaged, or becoming unserviceable.—

This section should have at the end thereof the additional citations "June 3, 1916, c. 134, § 87, 39 Stat. 204; June 3, 1924, c. 244, § 1, 43 Stat. 363."

47a. State-owned property brought into Federal service; credit; set-off.—The Secretary of War is hereby authorized to give any State credit for the money value of property listed on approved surveys of military property and equipment charged to an accountable State under section 47 of this title, said credit to be allowed as a set-off against the credit in favor of such accountable State, which has heretofore been or may hereafter be set up on the books of the Militia Bureau in favor of such State for State-owned military property, supplies, and equipment brought into the Federal service by any such State during or at the time of the National Guard mobilization of 1917. (June 28, 1930, c. 711, § 1, 46 Stat. 828.)

The Act cited to the text was entitled "An Act to grant relief to those States which brought State-owned property into the Federal service in 1917."

47b. Military property and supplies furnished States; ratification of requisitions; necessity that States account for property.—All requisitions for military property and supplies which were filled before June 28, 1930, by the War Department in favor of those States which were given a credit balance on the books of the Militia Bureau for State-owned property brought into the Federal service in 1917 and which have been charged against said credit balance are hereby ratified and approved, and the States to which such property was issued shall not be required to account to the Secretary of War for said property. (June 28, 1930, c. 711, § 2, 46 Stat. 829.)

Chapter 4.—INSTRUCTION, TRAINING, AND DISCIPLINE.

Section 62. Company drill and participation in maneuvers, etc.; annual amount required.—

This section should have at the end thereof the additional citation "June 3, 1916, c. 134, § 92, 39 Stat. 206."

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. (As amended May 28, 1920, c. 417, § 2, 44 Stat. 674.)

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. (As amended May 28, 1920, c. 417, § 3, 44 Stat. 674.)

★ This section should have at the end thereof the additional citation "June 3, 1916, c. 134, § 99, 39 Stat. 207."

★ 66. Assignment of officers and men of Regular Army for instruction of National Guard.—

★ This section should have at the end thereof the additional citations "June 3, 1916, c. 134, § 81, 39 Stat. 203; June 4, 1920, c. 227, Subchapter I, § 44, 41 Stat. 782; Sept. 22, 1922, c. 423, § 4, 42 Stat. 1034."

★ 67. Detail of officers and men of Regular Army to attend encampments, etc., of National Guard.—

The War Department recommends the omission of the second sentence of this section as being no longer the law.

★ 70. Assignment of National Guard officers to duty with Army; pay and allowances.—

This section should have at the end thereof the additional citations "June 3, 1916, c. 134, § 81, 39 Stat. 203; June 4, 1920, c. 227, Subchapter I, § 44, 41 Stat. 782; Sept. 22, 1922, c. 423, § 4, 42 Stat. 1034."

Chapter 5.—CALL OR DRAFT INTO FEDERAL SERVICE.

★ Section 81. Authority of President; draft.—When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examinations as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, whose permanent retention in the military service is not contemplated by law, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof; officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Commissioned officers while in the service of the United States under the terms of this section are entitled to receive Federal pay as provided in section 7 of Title 37, allowances as provided in section 23 of Title 37, and such other allowances as may be provided by law for officers of the Regular Army of the same grades and the same prior service; and warrant officers and enlisted men while so in such service shall receive the pay and allowances provided by law for warrant officers and enlisted men, respectively, of the Army. On the termination of the emergency all persons so drafted shall be discharged from the Army, shall resume their membership in the militia, and, if the State so provide, shall continue to serve in the National Guard until the dates upon which their enlistments