

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

CROSS REFERENCES

Duties of Adjutant General of Alaska National Guard, see section 477 of Title 48, Territories and Insular Possessions.

§ 14. Annual report of Secretary of the Army to contain abstract of reports of adjutant generals.

The Secretary of the Army shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutant generals of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress. (Jan. 21, 1903, ch. 196, § 12, 32 Stat. 776; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

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§ 15. Inspections of National Guard.

The Secretary of the Army shall cause an inspection to be made at least once each year by inspector generals, and if necessary by other officers, of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this title. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this title, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this title. (June 3, 1916, ch. 134, § 93, 39 Stat. 206; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

REFERENCES IN TEXT

In original "title" read "Act" meaning the National Defense Act of 1916, act June 3, 1916, ch. 134, 39 Stat. 166. For distribution of this act into this title see note under section 2 of this title.

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§ 16. Disbanding or reduction of strength.

No organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this title, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be re-

duced below the minimum that shall be prescribed therefor by the President. (June 3, 1916, ch. 134, § 68, 39 Stat. 200.)

REFERENCES IN TEXT

In original "title" read "Act" meaning the National Defense Act of 1916, act June 3, 1916, ch. 134, 39 Stat. 166. For distribution of this act into this title see note under section 2 of this title.

§ 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, ch. 134, § 118, 39 Stat. 213.)

REFERENCES IN TEXT

In original "title" read "Act" meaning the National Defense Act of 1916, act June 3, 1916, ch. 134, 39 Stat. 166. For distribution of this act into this title see note under section 2 of this title.

§§ 18—20. Repealed. July 9, 1952, ch. 608, pt. VIII, § 803, 66 Stat. 505.

Section 18, acts June 3, 1916, ch. 134, § 38, 39 Stat. 190; June 15, 1933, ch. 87, § 4, 48 Stat. 155, related to appointment of officers in National Guard, and is now covered by chapter 25 of Title 50, War and National Defense.

Section 18a, acts, June 3, 1916, ch. 134, § 38, 39 Stat. 190; June 6, 1924, ch. 275, § 3, 43 Stat. 47; June 15, 1933, ch. 87, § 4, 48 Stat. 155, related to former commission, and is now covered by chapter 25 of said Title 50.

Section 19, acts June 3, 1916, ch. 134, § 38, 39 Stat. 190; June 15, 1933, ch. 87, § 4, 48 Stat. 155, related to period of service by officer in National Guard of United States commissioned as Reserve officer, and is now covered by chapter 25, of said Title 50.

Section 20, acts June 3, 1916, ch. 134, § 38, 39 Stat. 190; June 15, 1933, ch. 87, § 4, 48 Stat. 155, related to officers in the National Guard of United States as government officers or employees, and is now covered by chapter 25 of said Title 50.

EFFECTIVE DATE OF REPEAL

Repeal of sections as effective on the first day of the sixth month following July 1952, see note set out under section 901 of Title 50, War and National Defense.

EXTENSION OF APPOINTMENTS

Ex. Ord. No. 10397, Sept. 25, 1952, 17 F. R. 8605 extended appointments of all officers and warrant officers under former section 19 of this title until and including April 1, 1953.

CONTINUATION OF APPOINTMENTS UNTIL APRIL 1, 1953

Section 1 (c) (1) of Joint Res. July 3, 1952, ch. 570, 66 Stat. 333, provided that the President is authorized to continue in effect until and including Apr. 1, 1953, all appointments as officers and warrant officers of the Army and Air Force which under former section 19 of this title would have terminated after Apr. 27, 1952 and before Apr. 1, 1953.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions of former section 19 of this title until July 3, 1952. This repeal shall take effect as of June 16, 1952, by section 7 of said Joint Res. July 3, 1952.

Chapter 2.—FUNDS FOR SUPPORT OF NATIONAL GUARD

- Sec.
21. Annual appropriation.
22. Apportionment and disbursement of appropriation.
23. Repealed.

Sec.

24. Forfeiture of right to allotment of appropriation.

25. Repealed.

26. Reduction of certain units to meet appropriation.

§ 21. Annual appropriation.

A sum of money shall be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are or may be authorized by law. (June 3, 1916, ch. 134, § 67, 39 Stat. 199.)

§ 22. Apportionment and disbursement of appropriation.

The appropriation provided for in section 21 of this title shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of the Army and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of the Army for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection 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 National Guard Bureau or the Army 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 of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the National Guard Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 19 of Title 37, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneu-

vers, and field instruction as the Secretary of the Army may deem necessary, and for such other expenses pertaining to the National Guard as are or may be authorized by law. (June 3, 1916, ch. 134, § 67, 39 Stat. 199; Sept. 22, 1922, ch. 423, § 3, 42 Stat. 1034; Apr. 6, 1928, ch. 321, 45 Stat. 406; June 15, 1933, ch. 87, § 16, 48 Stat. 159; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 28, 1950, ch. 383, title II, § 201, 64 Stat. 265.)

REFERENCES IN TEXT

Section 19 of Title 37 referred to in text was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942. Present provisions are now contained in sections 231, 232, 251 and 252 of Title 37, Pay and Allowances.

CODIFICATION

Section 401 of act June 28, 1950, repealed sections 21 and 22 of Title 10, Army and Air Force, which sections had established the General Staff Corps and made the War Department General Staff a part of the Corps. The Army Staff with the Army General Staff as a component part was established by section 201 of said act June 28, 1950, which is set out as section 21a of Title 10, Army and Air Force.

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§ 23. Repealed. Feb. 20, 1931, ch. 235, 46 Stat. 1191.

Section, act May 12, 1917, ch. 12, 40 Stat. 67, provided for the sale of disused target ranges by the Secretary of War. Real estate cannot be sold by the War Department now without authority of Congress. See section 1354 of Title 10, Army and Air Force.

§ 24. Forfeiture of right to allotment of appropriation.

Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this title, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of the Army, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this title or any other law. (June 3, 1916, ch. 134, § 116, 39 Stat. 212; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

REFERENCES IN TEXT

In original "title" read "Act" meaning the National Defense Act of 1916, act June 3, 1916, ch. 134, 39 Stat. 166. For distribution of this act into this title see note under section 2 of this title.

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§ 25. Repealed. Sept. 12, 1950, ch. 946, title III, § 301 (101) 64 Stat. 844.

Section, act June 3, 1916, ch. 134, § 119, 39 Stat. 213, related to annual estimates of the amount necessary for carrying out the provisions of law relating to the militia.

SAVINGS CLAUSE

Jurisdiction or responsibility of any agency or officer over any function or organizational unit, referred to in this former section, as affected by its repeal, see note under former sections 582—591 of Title 31, Money and Finance.

§ 26. Reduction of certain units to meet appropriation.

CODIFICATION

Section, act Feb. 12, 1925, ch. 225, title I, 43 Stat. 921, provided for the reduction of certain units of the National Guard to the point where the appropriation made to the National Guard for the fiscal year 1926 would cover the entire cost of maintenance of such units and has been omitted as executed.

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES

Sec.

- 31. Type of arms, equipment, and uniforms.
- 32. Repealed.
- 33. Issue of arms, equipment, material, uniforms, etc., to National Guard.
- 34. Issue of new types of small arms.
- 35. Cost of supplying new types of arms and equipment.
- 36. Issue of automatic pistols.
- 37. Issue of Field Artillery matériel.
- 38. Supplying and exchanging Infantry equipment; requisitions.
- 39. Purchase of supplies, etc., from Department of the Army; requisition by Government after purchase.
- 39a. Cash sales of Government articles for use of militia; authority to receive articles back on credit basis.
- 40. Purchase of animals with National Guard funds.
- 42. Care of animals; armament, etc.
- 42a. Same; hire of caretakers for clerical work.
- 43. Withdrawal of Coast Artillery equipment in emergency.
- 44. Issue of clothing, equipment, etc.
- 45. Proceeds of sales of condemned stores.
- 46. Return of property replaced as obsolete or condemned.
- 47. Military property lost, destroyed, damaged, or becoming unserviceable.
- 47-1. Same; charging replacement issues to apportionments; limitation on issues.
- 47a. State-owned property brought into Federal service; credit; set-off.
- 47b. Military property and supplies furnished States; ratification of requisitions; necessity that States account for property.
- 48. Bond to account for travel ration fund not required.
- 49. Property and disbursing officers.
- 50. Agents of disbursing officers.
- 51. Specifications for motor vehicles for field service.

§ 31. Type of arms, equipment, and uniforms.

The National Guard shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army. (June 3, 1916, ch. 134, § 82, 39 Stat. 203; June 15, 1933, ch. 87, § 17, 48 Stat. 160.)

§ 32. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1023.

Section, acts Feb. 12, 1887, ch. 129, § 3, 24 Stat. 402; June 22, 1906, ch. 3515, § 3, 34 Stat. 450, related to purchase of and accountability for arms and equipment.

§ 33. Issue of arms, equipment, material, uniforms, etc., to National Guard.

The Secretary of the Army is authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of United States service arms, with all accessories, Artillery matériel, Engineer, Signal, and

Sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this title, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of the Army, for the protection and care of such property: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of the Army that the National Guard of any State, Territory, or the District of Columbia, is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the Department of the Army, of any article issued by any of the supply departments of the Army. (June 3, 1916, ch. 134, § 83, 39 Stat. 203; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 28, 1950, ch. 383, title IV, § 404 (a), 64 Stat. 273.)

REFERENCES IN TEXT

In original "title" read "Act" meaning the National Defense Act of 1916, act June 3, 1916, ch. 134, 39 Stat. 166. For distribution of this act into this title see note under section 2 of this title.

CODIFICATION

"Artillery" substituted for "Field Artillery" and "Coast Artillery" on the authority of act June 28, 1950, which provided in part that "the Artillery shall be a continuation of the Field Artillery and the Coast Artillery Corps." See general savings provision note under section 1b of Title 10, Army and Air Force.

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CROSS REFERENCES

Issuance of arms and equipment to Alaska Territorial Guard, see section 479 of Title 48, Territories and Insular Possessions.

§ 34. Issue of new types of small arms.

CODIFICATION

Section, act Mar. 2, 1907, ch. 2511, 34 Stat. 1174, provided for the issuance of new types of small arms to the Organized Militia. Its provisions are considered as covered in section 35 of this title by the Judge Advocate General's Department. See J. A. G. 010.3, December 12, 1929, p. 14.

§ 35. Cost of supplying new types of arms and equipment.

Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard. (June 3, 1916, ch. 134, § 84, 39 Stat. 204.)