REPEALS

Section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641, repealed the sections or parts of sections of the Revised Statutes or Statutes at Large covering provisions codified in this act, ''except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this act [Aug. 10, 1956] and except as provided in section 49''.

SAVINGS AND SEVERABILITY PROVISIONS

Section 49 of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, provided that:

''(a) In sections 1–48 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act. However, laws effective after March 31, 1955, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

''(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1–48.

''(c) Actions taken and offenses committed under the replaced law shall be considered to have been taken or committed under the corresponding provisions of sections 1–48.

''(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

''(e) In chapter 47 of title 10, United States Code, enacted by section 1 of this Act, no inference of a legislative construction is to be drawn from the part in which any article is placed nor from the catchlines of the part or the article as set out in that chapter.

''(f) The enactment of this Act does not increase or decrease the pay or allowances, including retired pay and retainer pay, of any person.

''(g) The enactment of this Act does not affect the status of persons who, on the effective date of this Act, have the status of warrant officer, of the Army Mine Planter Service.''

RESTATEMENT OF SUSPENDED OR TEMPORARILY SUPERSEDED PROVISIONS

Section 50 of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, provided that: ''If on the effective date of this Act a provision of law that is restated in this Act and repealed by section 53 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status.''

IMPROVEMENT OF UNITED STATES CODE BY PUB. L. 85–861; LEGISLATIVE PURPOSE; REPEAL OF INCONSISTENT PROVISIONS; CORRESPONDING PROVISIONS; SAVINGS AND SEVERABILITY PROVISIONS; STATUS; REPEALS

Section 34 of Pub. L. 85–861 provided that:

''(a) In sections 1–32 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act. However, laws effective after December 31, 1957, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

''(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1–32.

''(c) Actions taken under the replaced law shall be considered to have been taken under the corresponding provisions of sections 1–32.

''(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

''(e) The enactment of this Act does not increase or decrease the pay or allowances, including retired and retainer pay, of any person.''

Section 35 of Pub. L. 85–861 provided that: ''If on the effective date of this Act [Sept. 2, 1958] a provision of law that is restated in this Act and repealed by section 36 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status.''

Section 36 of Pub. L. 85–861 repealed certain laws except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before Sept. 2, 1958.

CHAPTER 1—ORGANIZATION

Sec.
101. Definitions.
102. General policy.
103. Branches and organizations.
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107. Availability of appropriations.
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111. Suspension of certain provisions of this title.
112. Drug interdiction and counter-drug activities.
113. Federal financial assistance for support of additional duties assigned to the Army National Guard.
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AMENDMENTS

1999—Pub. L. 106–65, div. A, title V, § 578(k)(3)(B), Oct. 5, 1999, 113 Stat. 631, added items 114 and 115 and struck out former item 114 ''Honor guard functions at funerals for veterans''.

1997—Pub. L. 105–85, div. A, title III, § 386(b), title V, § 517(b), Nov. 18, 1997, 111 Stat. 1713, 1734, added items 113 and 114.

1989—Pub. L. 101–189, div. A, title XII, § 1207(a)(2), Nov. 29, 1989, 103 Stat. 1566, added item 112.

1971—Pub. L. 92–119, § 1(b), Aug. 13, 1971, 85 Stat. 340, substituted ''Availability'' for ''Apportionment'' in item 107.

1958—Pub. L. 85–861, § 2(4), Sept. 2, 1958, 72 Stat. 1543, added item 111.

§ 101. Definitions

In addition to the definitions in sections 1–5 of title 1, the following definitions apply in this title:

(1) For purposes of other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, the term ''Territory'' includes Guam and the Virgin Islands.

(2) ''Armed forces'' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(3) ''National Guard'' means the Army National Guard and the Air National Guard.

(4) ''Army National Guard'' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is a land force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(5) ''Army National Guard of the United States'' means the reserve component of the Army all of whose members are members of the Army National Guard.

(6) ''Air National Guard'' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is an air force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(7) ''Air National Guard of the United States'' means the reserve component of the Air Force all of whose members are members of the Air National Guard.

(8) ''Officer'' means commissioned or warrant officer.

(9) ''Enlisted member'' means a person enlisted in, or inducted, called, or conscripted into, an armed force in an enlisted grade.

(10) ''Grade'' means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(11) ''Rank'' means the order of precedence among members of the armed forces.

(12) ''Active duty'' means full-time duty in the active military service of the United States. It includes such Federal duty as full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. It does not include full-time National Guard duty.

(13) ''Supplies'' includes material, equipment, and stores of all kinds.

(14) ''Shall'' is used in an imperative sense.

(15) ''May'' is used in a permissive sense. The words ''no person may * * *'' mean that no person is required, authorized, or permitted to do the act prescribed.

(16) ''Includes'' means ''includes but is not limited to''.

(17) ''Pay'' includes basic pay, special pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

(18) ''Spouse'' means husband or wife, as the case may be.

(19) ''Full-time National Guard duty'' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of this title for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 596; Pub. L. 85–861, §2(1), Sept. 2, 1958, 72 Stat. 1542; Pub. L. 86–70, §27, June 25, 1959, 73 Stat. 148; Pub. L. 86–624, §22, July 12, 1960, 74 Stat. 417; Pub. L. 92–492, §2(a), Oct. 13, 1972, 86 Stat. 810; Pub. L. 96–513, title V, §507(a), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 96–600, §3(a), Dec. 24, 1980, 94 Stat. 3493; Pub. L. 98–525, title IV, §414(b)(1), Oct. 19, 1984, 98 Stat. 2519; Pub. L. 100–456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109–163, div. A, title X, §1057(b)(1), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
101(1)	32:4c (1st 33 words).	June 3, 1916, ch. 134, §62 (1st 36 words of last proviso), 39 Stat. 198.
101(2)	[No source].	
101(3)	32:2. 32:4b.	
101(4)	50:1112(a) (for definition purposes).	June 3, 1916, ch. 134, §117, 39 Stat. 212.
101(5)	10:1835 (less last 16 words). 32:2.	June 3, 1916, ch. 134, §71; added June 15, 1933, ch. 87, §9, 48 Stat. 157; Oct. 12, 1949, ch. 681, §530, 63 Stat. 837; July 9, 1952, ch. 608, §803 (9th par.), 66 Stat. 505.
101(6)	32:4b. 50:1112(b) (for definition purposes).	
101(7)	[No source].	
101(8)	[No source].	July 9, 1952, ch. 608, §702 (for definition purposes), 66 Stat. 501.
101(9)	[No source].	
101(10)	[No source].	
101(11)	[No source].	Sept. 19, 1951, ch. 407, §305 (less last 16 words), 65 Stat. 330.
101(12)	[No source].	
101(13)	[No source].	
101(14)	[No source].	
101(15)	[No source].	
101(16)	[No source].	

The definitions in clauses (2) and (9)–(17) reflect the adoption of terminology which, though undefined in the source statutes restated in this title, represent the closest practicable approximation of the ways in which the terms defined have been most commonly used. Where established uses conflict, a choice has been made.

In clause (1), the definition of ''Territory'' in 32:4c is executed throughout this revised title by specific reference, where applicable, to the Territories, Puerto Rico, and the Canal Zone.

In clause (2), a definition of ''National Guard'' is inserted for clarity.

In clause (3)(A), the words ''a land force'' are substituted for 32:2. The National Defense Act of 1916, §117 (last 66 words), 39 Stat. 212, is not contained in 32:2. It is also omitted from the revised section as repealed by the act of February 28, 1925, ch. 374, §3, 43 Stat. 1081.

In clauses (3) and (4), the word ''Army'' is inserted to distinguish the organizations defined from their Air Force counterparts.

In clauses (3) and (5), the words ''unless the context or subject matter otherwise requires—'' and ''as provided in this title'', in 32:4b, are omitted as surplusage.

In clauses (3)(B) and (5)(B), the words ''has its officers appointed'' are substituted for the word ''officered'', in 32:4b.

In clauses (4) and (6), only that much of the description of the composition of the Army National Guard of the United States and the Air National Guard of the United States is used as is necessary to distinguish these reserve components, respectively, from the other reserve components.

In clause (5)(A), the words ''an air force'' are substituted for the words ''for which Federal responsibility has been vested in the Secretary of the Air Force or the Department of the Air Force pursuant to law'', in 10:1835, and for 32:2 (less applicability to Army National Guard), to make the definition of ''Air National Guard'' parallel with the definition of ''Army National Guard'', and to make explicit the intent of Congress in creating the Air National Guard, that the organized militia henceforth should consist of three mutually exhaustive classes comprising the Army, Air, and Naval militia.

In clause (8), words showing how enlisted members became such are inserted to make clear that enlist-

ment is not the only method of becoming a member in an enlisted grade.

1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
101(2)	[No source].	[No source].
101(18)	[No source].	[No source].

In clause (2), the term ''armed forces'' is defined for legislative convenience and is defined the same as that term is defined in section 101(4) of title 10, United States Code.

The definition in clause (18) reflects the adoption of terminology which, though undefined in the source statutes restated in this title, represents the closest practicable approximation of the ways in which the term has been commonly used.

AMENDMENTS

2006—Cl. (1). Pub. L. 109–163 amended cl. (1) generally. Prior to amendment, cl. (1) read as follows: '''Territory' means any Territory organized after this title is enacted, so long as it remains a Territory. However, for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, 'Territory' includes Guam and the Virgin Islands.''

1988—Cls. (4), (6). Pub. L. 100–456 struck out ''the Canal Zone,'' after ''Puerto Rico,''.

1984—Cl. (12). Pub. L. 98–525, § 414(b)(1)(A), inserted at end ''It does not include full-time National Guard duty.''

Cl. (19). Pub. L. 98–525, § 414(b)(1)(B), added cl. (19).

1980—Cl. (1). Pub. L. 96–600 inserted reference to Guam.

Cl. (12). Pub. L. 96–513 struck out ''duty on the active list,'' after ''Federal duty as''.

1972—Cl. (1). Pub. L. 92–492 inserted provision including within term ''Territory'' for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, the Virgin Islands.

1960—Cl. (1). Pub. L. 86–624 struck out reference to Hawaii.

1959—Cl. (1). Pub. L. 86–70 struck out reference to Alaska.

1958—Cls. (2) to (18). Pub. L. 85–861 added cls. (2) and (18) and renumbered former cls. (2) to (16) as (3) to (17), respectively.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701(a) of Pub. L. 96–513, set out as a note under section 101 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 102. General policy

In accordance with the traditional military policy of the United States, it is essential that the strength and organization of the Army National Guard and the Air National Guard as an integral part of the first line defenses of the United States be maintained and assured at all times. Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with such units of other reserve components as are necessary for a balanced force, shall be ordered to active Federal duty and retained as long as so needed.

(Aug. 10, 1956, ch. 1041, 70A Stat. 597.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
102	50:921(b).	July 9, 1952, ch. 608, § 201(b), 66 Stat. 482.

The words ''The Congress further declares * * * as expressed in the National Defense Act of 1916 as amended'' and ''It is the intent of Congress that'' are omitted as surplusage. The words ''United States'' are substituted for the words ''our'' and ''this Nation''. The words ''more * * * than are in'' are substituted for the words ''in excess of those''. The words ''Federal duty'' are substituted for the words ''military service of the United States''. The words ''as long as so needed'' are substituted for the words ''so long as such necessity exists''.

§ 103. Branches and organizations

The Army National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands includes such members of the staff corps corresponding to the staff corps of the Army as the Secretary of the Army may authorize.

(Aug. 10, 1956, ch. 1041, 70A Stat. 597; Pub. L. 100–456, div. A, title XII, § 1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109–163, div. A, title X, § 1057(b)(2), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
103	32:9.	July 9, 1918, ch. 143 (proviso of 13th par. under ''National Guard''), 40 Stat. 875.

The word ''members'' is substituted for the words ''officers and enlisted men''. The word ''Regular'' is omitted, since the organization is now prescribed for the Army, and the Regular Army is only a personnel category.

AMENDMENTS

2006—Pub. L. 109–163 substituted ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands'' for ''State and Territory, Puerto Rico, and the District of Columbia''.

1988—Pub. L. 100–456 struck out ''the Canal Zone,'' after ''Puerto Rico,''.

§ 104. Units: location; organization; command

(a) Each State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands may fix the location of the units and headquarters of its National Guard.

(b) Except as otherwise specifically provided in this title, the organization of the Army National Guard and the composition of its units shall be the same as those prescribed for the