

fied 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RESTATEMENT OF SUSPENDED OR TEMPORARILY SUPERSEDED PROVISIONS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70A Stat. 640, provided that: "If on the effective date of this Act a provision of law that is restated in this Act and repealed by section 53 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status."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.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 10 section 14317.

CHAPTER 1—ORGANIZATION

Sec.	
101.	Definitions.
102.	General policy.
103.	Branches and organizations.
104.	Units: location; organization; command.
105.	Inspection.
106.	Annual appropriations.
107.	Availability of appropriations.
108.	Forfeiture of Federal benefits.
109.	Maintenance of other troops.
110.	Regulations.
111.	Suspension of certain provisions of this title.
112.	Drug interdiction and counter-drug activities.

AMENDMENTS

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.

CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States—

Active Federal service, see section 12401 of Title 10, Armed Forces.

Component of Army and Air Force, see sections 10106 and 10112 of Title 10.

Composition, see sections 10105 and 10111 of Title 10.

Enlistment, see sections 12102 and 12107 of Title 10.

Inactive status of reserves assigned to inactive Army National Guard or inactive Air National Guard, see section 10141 of Title 10.

Officers, discharge, see sections 3820 and 8820 of Title 10.

Ready Reserve as including units and members of, see section 10145 of Title 10.

Reserve components, see section 10101 et seq. of Title 10.

Reserve Forces Policy Board membership to include two members each from, see section 10301 of Title 10.

Status when not in Federal service, see sections 10107 and 10113 of Title 10.

Strength, see section 12001 of Title 10.

Transfer of members from Ready Reserve to Standby Reserve, see section 10146 of Title 10.

Transfer of members to Army Reserve or Air Force Reserve, see sections 12105, 12213, and 12214 of Title 10.

Insurrection, see section 331 et seq. of Title 10.

Militia of District of Columbia, see D.C. Code, §39-101 et seq.

National Guard Bureau—

Assignment of regular or reserve officers of Army or Air Force, see section 10507 of Title 10, Armed Forces.

Chief, appointment, see section 10502 of Title 10.

Commissioned officers of Army National Guard of United States and Air National Guard of United States, duty in Bureau, see section 12402 of Title 10.

Organized militia as including the National Guard, see section 311 of Title 10.

Policies and regulations for government of Army National Guard of United States and Army Reserve, Air National Guard of United States and Air Force Reserve, see sections 10302 and 10305 of Title 10.

Reserve components, standards and procedures for retention and promotion, see section 12641 et seq. of Title 10.

§ 101. Definitions

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

(1) "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.

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

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. 32:4b.	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).	50:1112(b) (for definition purposes).	July 9, 1952, ch. 608, §702 (for definition purposes), 66 Stat. 501.
101(7).	[No source].	Sept. 19, 1951, ch. 407, §305 (less last 16 words), 65 Stat. 330.
101(8)	[No source].	
101(9)	[No source].	
101(10)	[No source].	
101(11)	[No source].	
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 ref-