

CHAPTER 5—TRAINING

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AMENDMENTS

2004—Pub. L. 108-375, div. A, title V, §594(b)(2), Oct. 28, 2004, 118 Stat. 1936, substituted “National Guard Youth Challenge” for “National Guard Challenge” in item 509.

1997—Pub. L. 105-85, div. A, title X, §1076(b), Nov. 18, 1997, 111 Stat. 1914, added item 509.

1994—Pub. L. 103-337, div. A, title III, §385(b), Oct. 5, 1994, 108 Stat. 2742, added item 508.

§ 501. Training generally

(a) The discipline, including training, of the Army National Guard shall conform to that of the Army. The discipline, including training, of the Air National Guard shall conform to that of the Air Force.

(b) The training of the National Guard shall be conducted by the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands in conformity with this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; 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)(7), Jan. 6, 2006, 119 Stat. 3442.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501(a)	32:61 (1st 24 words).	June 3, 1916, ch. 134, §91,
501(b)	32:61 (less 1st 24 words).	39 Stat. 206.

In subsection (a), the words “that of” are substituted for the words “the system which is or may be prescribed for”. The word “Army” is substituted for the words “Regular Army”, since the Army is the category for which the discipline and training is prescribed and the Regular Army is a personnel category for which no discipline and training is prescribed. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-163 substituted “States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands” for “States and Territories, Puerto Rico, and the District of Columbia”.

1988—Subsec. (b). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

DEMONSTRATION PROJECT TO INCREASE RESERVE COMPONENT INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES

Pub. L. 106-398, §1 [[div. A], title III, §390], Oct. 30, 2000, 114 Stat. 1654, 1654A-90, provided that:

“(a) AUTHORIZATION AND PURPOSE OF PROJECT.—The Secretary of the Army, acting through the Chief of the

National Guard Bureau, may carry out a demonstration project in rural communities that are unserved or underserved by the telecommunications medium known as the Internet to provide or increase Internet access and services to units and members of the National Guard and other reserve components located in these communities.

“(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary may—

“(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

“(2) provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

“(c) REPORT.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities conducted under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.”

PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES

Pub. L. 102-484, div. A, title III, §376, Oct. 23, 1992, 106 Stat. 2385, as amended by Pub. L. 103-160, div. A, title III, §365, Nov. 30, 1993, 107 Stat. 1629; Pub. L. 103-337, div. A, title III, §384, Oct. 5, 1994, 108 Stat. 2741, provided that:

“(a) PILOT PROGRAM.—The Chief of the National Guard Bureau shall enter into an agreement, approved by the Secretary of Defense, with each of the Governors of one or more States to carry out a pilot program during fiscal years 1993, 1994, and 1995 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.

“(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.

“(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

“(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.

“(d) MAINTENANCE OF EFFORT.—The Chief of the National Guard Bureau shall ensure that each agreement under subsection (a) provides that the provision of services under the pilot program will supplement and increase the level of services that would be provided with non-Federal funds in the absence of such services, and will in no event supplant services provided with non-Federal funds.

“(e) COORDINATION AMONG PROGRAMS.—In carrying out the pilot program under subsection (a), the Chief of the National Guard Bureau shall consult with the Secretary of Health and Human Services for the purpose of ensuring that the provision of services under the pilot program are not redundant with the services of programs of such Secretary.

“(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member's Federal status as a member of the National Guard of a State under section 270 [see 10147] of title 10, United States Code, and section 502 of title 32, United States Code.

“(g) REPORT.—The Secretary of Defense shall, not later than January 1, 1995, submit to the Congress a report on the effectiveness of the pilot program and any recommendations with respect to the pilot program.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘health care’ includes the following services:

“(A) Medical care services.

“(B) Dental care services.

“(C) Transportation, by air ambulance or other means, for medical reasons.

“(2) The term ‘Governor’, with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

“(3) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”

NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM

Pub. L. 104-106, div. A, title V, §573, Feb. 10, 1996, 110 Stat. 355, provided that:

“(a) TERMINATION.—The authority under subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C. 501 note) to carry out a pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act [Feb. 10, 1996] and such authority shall terminate as of the end of that period.

“(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.”

Pub. L. 102-484, div. A, title X, §1091, Oct. 23, 1992, 106 Stat. 2519, as amended by Pub. L. 103-82, title I, §104(e)(1)(A), (C), Sept. 21, 1993, 107 Stat. 846; Pub. L. 103-160, div. A, title XI, §1174, Nov. 30, 1993, 107 Stat. 1767; Pub. L. 103-382, title III, §391(o), Oct. 20, 1994, 108 Stat. 4024; Pub. L. 105-85, div. A, title X, §1073(d)(2)(B), Nov. 18, 1997, 111 Stat. 1905, provided that:

“(a) PROGRAM AUTHORITY.—During fiscal years 1993 through 1995, the Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a pilot program to be known as the ‘National Guard Civilian Youth Opportunities Program’.

“(b) PURPOSE.—The purpose of the pilot program is to provide a basis for determining—

“(1) whether the life skills and employment potential of civilian youth who cease to attend secondary school before graduating can be significantly improved through military-based training, including supervised work experience in community service and conservation projects, provided by the National Guard; and

“(2) whether it is feasible and cost effective for the National Guard to provide military-based training to such youth for the purpose of achieving such improvements.

“(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate.

“(d) PROGRAM AGREEMENTS.—(1) To carry out the pilot program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard.

“(2) Each agreement under the pilot program shall provide for the Governor or, in the case of the District

of Columbia, the commanding general to establish, organize, and administer a National Guard civilian youth opportunities program in the State.

“(3) The agreement may provide for the Secretary to provide funds to the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the National Guard civilian youth opportunities program.

“(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—(1) A school dropout from secondary school shall be eligible to participate in a National Guard civilian youth opportunities program conducted under the pilot program.

“(2) The Secretary shall prescribe the standards and procedures for selecting participants for a National Guard civilian youth opportunities program from among school dropouts eligible to participate in the program.

“(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1) To the extent provided in an agreement entered into in accordance with subsection (d) and subject to the approval of the Secretary, a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program may receive the following benefits in connection with that training:

“(A) Allowances for travel expenses, personal expenses, and other expenses.

“(B) Quarters.

“(C) Subsistence.

“(D) Transportation.

“(E) Equipment.

“(F) Clothing.

“(G) Recreational services and supplies.

“(H) Other services.

“(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

“(2) In the case of a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program who afterwards becomes a member of the Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 [42 U.S.C. 12611 et seq.] (as added by section 1092(a)), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 158 of such Act [42 U.S.C. 12618(f), (g)].

“(g) PROGRAM PERSONNEL.—(1) Personnel of the National Guard of a State in which a National Guard civilian youth opportunities program is conducted under the pilot program may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for that program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of title 32, United States Code, for not longer than the period of the program.

“(2) For fiscal year 1993, personnel so serving may not be counted for the purposes of—

“(A) any provision of law limiting the number of personnel that may be serving on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components; or

“(B) section 524 [now 12011] of title 10, United States Code, relating to the number of reserve component officers who may be on active duty or full-time National Guard duty in certain grades.

“(3) A Governor participating in the pilot program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out a National Guard civilian youth opportunities program under the pilot program.

“(4) Civilian employees of the National Guard performing services for such a program and contractor personnel performing such services may be required, when appropriate to achieve a program objective, to be members of the National Guard and to wear the military uniform.

“(h) EQUIPMENT AND FACILITIES.—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the pilot program.

“(2) Activities under the pilot program shall be considered noncombat activities of the National Guard for purposes of section 710 of title 32, United States Code.

“(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the pilot program shall be considered an employee of the United States for the purposes of the following provisions of law:

“(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation of Federal employees for work injuries).

“(B) Section 1346(b) and chapter 171 of title 28, United States Code, and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

“(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

“(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a program agreement referred to in subsection (d), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

“(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS-2 of the General Schedule under section 5332 of title 5, United States Code; and

“(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the pilot program is terminated.

“(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

“(j) SUPPLEMENTAL RESOURCES.—(1) To carry out a National Guard civilian youth opportunities program conducted under the pilot program, the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement any funding made available pursuant to subsection (m) out of other resources (including gifts) available to the Governor or the commanding general.

“(2) The provision of funds authorized to be appropriated for the pilot program shall not preclude a Governor participating in the pilot program, or the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program), from accepting, using, and disposing of gifts or donations of money, other property, or services for the pilot program.

“(k) REPORT.—(1) Within 90 days after the end of the one-year period beginning on the first day of the pilot program, the Secretary shall submit to the congressional defense committees a report on the design, conduct, and effectiveness of the pilot program during that one-year period. The report shall include an assessment of the matters set forth in paragraphs (1) and (2) of subsection (b).

“(2) In preparing the report required by paragraph (1), the Secretary shall coordinate with the Governor of each State in which a National Guard civilian youth opportunities program is carried out under the pilot program and, if such a program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

“(l) DEFINITIONS.—In this section:

“(1) The term ‘pilot program’ means the National Guard Civilian Youth Opportunities Program authorized to be conducted under subsection (a).

“(2) The term ‘State’ includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.

“(3) The term ‘school dropout’ has the meaning established for the term by the Secretary of Education pursuant to section 6201(a) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on October 19, 1994) (20 U.S.C. 3271(a)).

“(4) The term ‘full-time National Guard duty’ has the meaning given that term in section 101 of title 32, United States Code.

“(m) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301 [106 Stat. 2360], \$50,000,000 shall be available to carry out the pilot program for fiscal year 1993.”

§ 502. Required drills and field exercises

(a) Under regulations to be prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, each company, battery, squadron, and detachment of the National Guard, unless excused by the Secretary concerned, shall—

(1) assemble for drill and instruction, including indoor target practice, at least 48 times each year; and

(2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises, at least 15 days each year.

However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such training if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard.

(b) An assembly for drill and instruction may consist of a single ordered formation of a company, battery, squadron, or detachment, or, when authorized by the Secretary concerned, a series of ordered formations of parts of those organizations. However, to have a series of formations credited as an assembly for drill and instruction, all parts of the unit must be included in the series within 90 consecutive days.

(c) The total attendance at the series of formations constituting an assembly shall be counted as the attendance at that assembly for the required period. No member may be counted more than once or receive credit for more than one required period of attendance, regardless of the number of formations that he attends during the series constituting the assembly for the required period.

(d) No organization may receive credit for an assembly for drill or indoor target practice unless—

(1) the number of members present equals or exceeds the minimum number prescribed by the President;

(2) the period of military duty or instruction for which a member is credited is at least one and one-half hours; and

(3) the training is of the type prescribed by the Secretary concerned.

(e) An appropriately rated member of the National Guard who performs an aerial flight under competent orders may receive credit for attending drill for the purposes of this section, if the flight prevented him from attending a regularly scheduled drill.