

# TITLE 32—NATIONAL GUARD

*This title was enacted by act Aug. 10, 1956, ch. 1041, § 2, 70A Stat. 596*

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### AMENDMENTS

2004—Pub. L. 108-375, div. A, title V, § 512(a)(2), Oct. 28, 2004, 118 Stat. 1880, added item for chapter 9.

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### POSITIVE LAW; CITATION

This title has been made positive law by section 2 of act Aug. 10, 1956, ch. 1041, 70A Stat. 596, which provided in part that: "Title 32 of the United States Code, entitled 'National Guard', is revised, codified, and enacted into law, and may be cited as 'Title 32, United States Code, § —.'"

## REPEALS

Act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641, repealed the sections or parts of sections of the Revised Statutes or Statutes at Large covering provisions codified in this act, "except with respect to rights and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

Act Aug. 10, 1956, ch. 1041, §49, 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

Act Aug. 10, 1956, ch. 1041, §50, 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

Pub. L. 85-861, §34, Sept. 2, 1958, 72 Stat. 1568, 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."

Pub. L. 85-861, §35, Sept. 2, 1958, 72 Stat. 1568, 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."

Pub. L. 85-861, §36, Sept. 2, 1958, 72 Stat. 1568, 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

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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;