

# TITLE 32—NATIONAL GUARD

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

Chap.		Sec.
<b>1.</b>	<b>Organization .....</b>	<b>101</b>
<b>3.</b>	<b>Personnel .....</b>	<b>301</b>
<b>5.</b>	<b>Training .....</b>	<b>501</b>
<b>7.</b>	<b>Service, Supply, and Procurement .....</b>	<b>701</b>
<b>9.</b>	<b>Homeland Defense Activities .....</b>	<b>901</b>

### AMENDMENTS

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

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 32

<i>Title 32 Former Sections</i>	<i>Title 32 New Sections</i>
1 .....	T. 10 § 311
2 .....	101; T. 10 § 101
3 .....	T. 10 § 312
4 .....	305, 313
4a .....	Rep.
4b .....	101; T. 10 § 101
4c (1st 33 words) .....	101; T. 10 § 101
4c (less 1st 33 words) .....	Rep.
5, 6 .....	104
7 .....	Rep.
8 .....	104
9 .....	103
10 (proviso) .....	104
10 (less proviso) .....	T. 10 §§ 3542, 8542
11-14 .....	314
15 .....	105
16 .....	104
17 .....	110
18-20 .....	Rep.
21 .....	106
22 .....	107
23 .....	Rep.
24 .....	108
25 .....	Rep.
26 .....	Elim.
31 .....	701
32 .....	Rep.
33 .....	702
34 .....	Rep.
35 .....	702
36 .....	Rep.
37 .....	Elim.
38 .....	Rep.
39, 39a .....	703
40 .....	Rep.
42, 42a .....	709
43 .....	Rep.
44 .....	Elim.
45 .....	712
46 .....	711
47 .....	710
47-1, 47a .....	Elim.
47b, 48 .....	Rep.
49, 50 .....	708
51 .....	Elim.
61 .....	501
62 .....	502
63 .....	503
64 .....	504
65 .....	505
66, 67 .....	506
68, 69 .....	315
70 .....	Rep.
71 .....	507
72 .....	317
73 .....	Rep.
74 .....	707
75 .....	Rep. See T. 5 §§ 502, 3551, 5534, 6323(a), (b)
76 .....	Rep. See T. 5 § 6323(a), (b)
81 .....	Rep.
81a .....	T. 10 §§ 3500, 8500
81b .....	T. 10 §§ 3501, 8501
81c .....	Rep.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 32—Continued

<i>Title 32 Former Sections</i>	<i>Title 32 New Sections</i>
82 .....	T. 10 §§ 3499, 8499
83 .....	T. 10 §§ 3502, 8502
84 .....	Rep.
85, 86 .....	Elim.
91 .....	326
92 .....	327
93 .....	328
94 .....	329
95 .....	330
96 .....	331
97 .....	332, 333
111 .....	305, 307
112 .....	312
113 .....	307
113a .....	Rep.
114 .....	324
115 .....	323; T. 10 §§ 3820, 8820
121, 122 .....	Rep.
123 .....	304
124 .....	302
125 .....	322
131 .....	Rep.
132, 133 .....	303
134 .....	Rep.
141, 142 .....	Elim.
142a-143a .....	Rep.
144-148 .....	Rep.
149-152 .....	Elim.
153 .....	Rep.
154 (last proviso of 2d par.) .....	710
154 (2d par., less last proviso) .....	T. 31 § 698a
154 (last par.) .....	303, 322, 323
154 (less 2d and last pars.) .....	Rep. See T. 37 §§ 206(a), (b), 402(b)
155 .....	Rep.
156 .....	705; T. 10 §§ 4621, 9621
157 .....	Rep.
158 .....	503
159, 160 .....	Rep.
160a .....	318, 321; T. 10 §§ 3687, 3688, 3721, 8687, 8688, 8721
160b .....	3687 nt.
160c-164 .....	Rep.
164a, 164b .....	319
164c .....	Rep.
164d .....	320; T. 10 §§ 3723, 8723
164e .....	Rep.
171 .....	Rep.
172, 173 .....	T. 10 § 3015
174 .....	T. 10 §§ 3541, 8541
175 .....	T. 10 §§ 3496, 8496
176 .....	T. 31 § 698
181 .....	T. 10 § 4308
181a .....	T. 10 § 4312
181b .....	T. 10 §§ 4312, 4313
181c .....	T. 10 § 4308
181d, 181e .....	Elim.
182 .....	T. 10 § 4307
183 .....	316; T. 10 § 4310
184 .....	T. 10 § 4310
185 .....	Rep.
186 .....	T. 10 § 4309
191 .....	Rep.
192, 193 .....	104 nt.
194(b) .....	109, Rep. in part.
194 (less (b)) .....	109
195 .....	Rep.
196 .....	713

### 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

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.
113.	Federal financial assistance for support of additional duties assigned to the Army National Guard.
114.	Funeral honors functions at funerals for veterans.
115.	Funeral honors duty performed as a Federal function.

## 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;