

§ 509. National Guard Challenge Program of opportunities for civilian youth

(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense may use the National Guard to conduct a civilian youth opportunities program, to be known as the “National Guard Challenge Program”, which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The National Guard Challenge Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.

(b) CONDUCT OF THE PROGRAM.—(1) The Secretary of Defense shall provide for the conduct of the National Guard Challenge Program in such States as the Secretary considers to be appropriate.

(2) The Secretary shall carry out the National Guard Challenge Program using—

(A) funds appropriated directly to the Secretary of Defense for the program, except that the amount of funds appropriated directly to the Secretary and expended for the program in fiscal year 2001 or 2002 may not exceed \$62,500,000; and

(B) nondefense funds made available or transferred to the Secretary of Defense by other Federal agencies to support the program.

(3) Federal funds made available or transferred to the Secretary of Defense under paragraph (2)(B) by other Federal agencies to support the National Guard Challenge Program may be expended for the program in excess of the fiscal year limitation specified in paragraph (2)(A).

(4) The Secretary of Defense shall remain the executive agent to carry out the National Guard Challenge Program regardless of the source of funds for the program or any transfer of jurisdiction over the program within the executive branch. As provided in subsection (a), the Secretary may use the National Guard to conduct the program.

(c) PROGRAM AGREEMENTS.—(1) To carry out the National Guard Challenge 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, under which the Governor or the commanding general will establish, organize, and administer the National Guard Challenge Program in the State.

(2) 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 Challenge Program.

(d) MATCHING FUNDS REQUIRED.—The amount of assistance provided under this section to a State program of the National Guard Challenge Program may not exceed—

(1) for fiscal year 1998, 75 percent of the costs of operating the State program during that year;

(2) for fiscal year 1999, 70 percent of the costs of operating the State program during that year;

(3) for fiscal year 2000, 65 percent of the costs of operating the State program during that year; and

(4) for fiscal year 2001 and each subsequent fiscal year, 60 percent of the costs of operating the State program during that year.

(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—A school dropout from secondary school shall be eligible to participate in the National Guard Challenge Program. The Secretary of Defense shall prescribe the standards and procedures for selecting participants from among school dropouts.

(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1) To the extent provided in an agreement entered into in accordance with subsection (c) and subject to the approval of the Secretary of Defense, a person selected for training in the National Guard Challenge 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 the National Guard Challenge 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.), 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).

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

(2) A Governor participating in the National Guard Challenge Program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the program) may procure by contract the temporary full time services of such civilian personnel as may be nec-

essary to augment National Guard personnel in carrying out the National Guard Challenge Program in that State.

(3) Civilian employees of the National Guard performing services for the National Guard Challenge Program and contractor personnel performing such services may be required, when appropriate to achieve the purposes of the program, 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 National Guard Challenge Program.

(2) Activities under the National Guard Challenge Program shall be considered noncombat activities of the National Guard for purposes of section 710 of this title.

(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the National Guard Challenge 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 (relating to compensation of Federal employees for work injuries).

(B) Section 1346(b) and chapter 171 of title 28 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 (c), 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; 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 National Guard Challenge 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.—To carry out the National Guard Challenge Program in a State, the Governor of the State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement funds made available under the program out of other resources (including gifts) available to the Governor or the commanding general. The Governor or the commanding general may accept, use, and dispose of gifts or donations of money, other property, or services for the National Guard Challenge Program.

(k) REPORT.—Within 90 days after the end of each fiscal year, the Secretary of Defense shall

submit to Congress a report on the design, conduct, and effectiveness of the National Guard Challenge Program during the preceding fiscal year. In preparing the report, the Secretary shall coordinate with the Governor of each State in which the National Guard Challenge Program is carried out and, if the 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 "State" includes the Commonwealth of Puerto Rico, the territories, and the District of Columbia.

(2) The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(m) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the National Guard Challenge Program. The regulations shall address at a minimum the following:

(1) The terms to be included in the program agreements required by subsection (c).

(2) The qualifications for persons to participate in the program, as required by subsection (e).

(3) The benefits authorized for program participants, as required by subsection (f).

(4) The status of National Guard personnel assigned to duty in support of the program under subsection (g).

(5) The conditions for the use of National Guard facilities and equipment to carry out the program, as required by subsection (h).

(6) The status of program participants, as described in subsection (i).

(7) The procedures to be used by the Secretary when communicating with States about the program.

(Added Pub. L. 105-85, div. A, title X, §1076(a), Nov. 18, 1997, 111 Stat. 1911; amended Pub. L. 106-65, div. A, title V, §579, Oct. 5, 1999, 113 Stat. 631; Pub. L. 106-246, div. B, title I, §120, July 13, 2000, 114 Stat. 533; Pub. L. 106-398, §1 [[div. A], title V, §577(a)-(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-140; Pub. L. 107-107, div. A, title V, §596(a), Dec. 28, 2001, 115 Stat. 1126; Pub. L. 107-314, div. A, title X, §1062(g)(1), Dec. 2, 2002, 116 Stat. 2651.)

REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec. (f)(2), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended. Subtitle E of title I of the Act is classified generally to division E (§12611 et seq.) of subchapter I of chapter 129 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-314 amended Pub. L. 106-398, §577(b)(2). See 2000 Amendment note below.

2001—Subsec. (b)(2)(A). Pub. L. 107-107, §596(a)(1), substituted "in fiscal year 2001 or 2002" for "in a fiscal year".

Subsec. (b)(4). Pub. L. 107-107, §596(a)(2), added par. (4).

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title V, §577(a)], struck out "acting through the Chief of the National Guard Bureau," after "The Secretary of Defense".

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title V, §577(b)(1), (3)], inserted “(1)” before “The Secretary of Defense” and added pars. (2) and (3).

Pub. L. 106-398, §1 [[div. A], title V, §577(b)(2)], as amended by Pub. L. 107-314, struck out “, except that Department of Defense expenditures under the program may not exceed \$62,500,000 for any fiscal year” before period at end.

Pub. L. 106-246 substituted “Department of Defense” for “Federal”.

Subsec. (m). Pub. L. 106-398, §1 [[div. A], title V, §577(c)], added subsec. (m).

1999—Subsec. (a). Pub. L. 106-65, §579(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a National Guard civilian youth opportunities program (to be known as the ‘National Guard Challenge Program’) to use the National Guard to provide military-based training, including supervised work experience in community service and conservation projects, to civilian youth who cease to attend secondary school before graduating so as to improve the life skills and employment potential of such youth.”

Subsec. (b). Pub. L. 106-65, §579(b), substituted “\$62,500,000” for “\$50,000,000”.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title X, §1062(g), Dec. 2, 2002, 116 Stat. 2651, provided that the amendment made by section 1062(g)(1) of Pub. L. 107-314 is effective as of Oct. 30, 2000, and as if included in Pub. L. 106-398 as enacted.

CHAPTER 7—SERVICE, SUPPLY, AND PROCUREMENT

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AMENDMENTS

1985—Pub. L. 99-224, §3(b), Dec. 28, 1985, 99 Stat. 1742, substituted “and travel” for “other than travel” in item 716.

1980—Pub. L. 96-328, §1(b)(2), Aug. 8, 1980, 94 Stat. 1027, substituted “Accountability for property issued to the National Guard” for “Reports of survey” in item 710.

1972—Pub. L. 92-453, §2(2), Oct. 2, 1972, 86 Stat. 759, added item 716.

1968—Pub. L. 90-486, §2(2), Aug. 13, 1968, 82 Stat. 756, substituted “Technicians: employment, use status” for “Caretakers and clerks” in item 709.

1960—Pub. L. 86-740, §1(2), Sept. 13, 1960, 74 Stat. 879, added item 715.

1958—Pub. L. 85-861, §2(13), Sept. 2, 1958, 72 Stat. 1546, added item 714.

§ 701. Uniforms, arms, and equipment to be same as Army or Air Force

So far as practicable, the same types of uniforms, arms, and equipment as are issued to the Army shall be issued to the Army National Guard, and the same types of uniforms, arms, and equipment as are issued to the Air Force shall be issued to the Air National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 612.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
701	32:31.	June 3, 1916, ch. 134, §82; restated June 15, 1933, ch. 87, §17, 48 Stat. 160.

The words “shall be issued” are substituted for the words “shall * * * be uniformed, armed, and equipped with”. The words “as are issued” are substituted for the words “as are or shall be provided”. The word “Army” is substituted for the words “Regular Army”, since the Army is the category to which uniforms, arms, and equipment are issued, and the Regular Army is a personnel category only. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

§ 702. Issue of supplies

(a) Under such regulations as the President may prescribe, the Secretary of the Army and the Secretary of the Air Force may buy or manufacture and, upon requisition of the governor of any State or Territory or Puerto Rico or the commanding general of the National Guard of the District of Columbia, issue to its Army National Guard and Air National Guard, respectively, the supplies necessary to uniform, arm, and equip that Army National Guard or Air National Guard for field duty.

(b) Whenever the Secretary concerned is satisfied that the Army National Guard or the Air National Guard, as the case may be, of any State or Territory, Puerto Rico, or the District of Columbia is properly organized, armed, and equipped for field duty, funds allotted to that jurisdiction for its Army National Guard or Air National Guard may be used to buy any article issued by the Army or the Air Force, as the case may be.

(c) Under such regulations as the President may prescribe, the issue of new types of equipment, small arms, or field guns to the National Guard of any State or Territory, Puerto Rico, or the District of Columbia shall be without charge against appropriations for the National Guard.

(d) No property may be issued to the National Guard of a State or Territory, Puerto Rico, or the District of Columbia, unless that jurisdiction makes provision, satisfactory to the Secretary concerned, for its protection and care.

(Aug. 10, 1956, ch. 1041, 70A Stat. 612; Pub. L. 100-456, div. A, title XII, §1234(b)(1), (4), Sept. 29, 1988, 102 Stat. 2059.)