

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.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------|---|
| 702(a) | 32:33 (less provisos). | June 3, 1916, ch. 134, §§83, 84, 39 Stat. 203, 204. |
| 702(b) | 32:33 (last proviso). | |
| 702(c) | 32:35. | |
| 702(d) | 32:33 (1st proviso). | |

In subsection (a), the word "supplies" is substituted for the detailed description of stores, material, and equipment, since under section 101(12) of this title, "supplies" includes stores, material, and equipment. The words "may buy or manufacture" are substituted for the words "is authorized to procure * * * by purchase or manufacture". The words "within the limits of available appropriations made by Congress" and "from time to time" are omitted as surplusage.

In subsection (b), the words "the Secretary concerned is satisfied" are substituted for the words "it shall be

shown to the satisfaction of the Secretary of the Army". The words "buy any article issued by the Army or the Air Force" are substituted for the words "purchase, from the Department of the Army, of any article issued by any of the supply departments of the Army".

In subsection (c), the words "the issue of" are substituted for the words "whenever * * * shall have been issued * * * shall be furnished". The words "shall be without charge" are substituted for the words "without charging the cost or value thereof or any expense connected therewith". The words "provided for the support" are omitted as surplusage.

In subsection (d), the words "No property may be issued to * * * unless that jurisdiction" are substituted for the words "Provided, That as a condition precedent to the issue of any property as provided for by this title" and "desiring such issue".

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456, §1234(b)(4), substituted "Territory or Puerto Rico" for "Territory, Puerto Rico, or the Canal Zone."

Subsecs. (b) to (d). Pub. L. 100-456, §1234(b)(1), struck out "the Canal Zone," after "Puerto Rico,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 18502.

§ 703. Purchases of supplies by States from Army or Air Force

(a) Subject to the approval of the Secretary of the Army, any State or Territory, Puerto Rico, or the District of Columbia may buy from the Department of the Army, for its National Guard or the officers thereof, supplies and military publications furnished to the Army, in addition to other supplies issued to its Army National Guard. On the same basis, it may buy similar property from the Department of the Air Force. A purchase under this subsection shall be for cash, at cost plus transportation.

(b) In time of actual or threatened war, the United States may requisition for military use any property bought under subsection (a). Credit for the return in kind of property so requisitioned shall be given to the State or Territory, Puerto Rico, or the District of Columbia from which it is received.

(c) Proceeds of sales by the Department of the Army and the Department of the Air Force under this section shall be credited to the appropriations from which the property was purchased, shall not be covered into the Treasury, and may be used to replace property sold under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 613; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|---|
| 703(a) | 32:39 (1st sentence). | June 3, 1916, ch. 134, §86, 39 Stat. 204. |
| 703(b) | 32:39 (proviso of last sentence). | June 23, 1910, ch. 370, 36 Stat. 603. |
| 703(c) | 32:39a. 32:39 (less 1st sentence, and less proviso of last sentence). | |

In subsection (a), the words "stores * * * materiel" are omitted as covered by the word "supplies". The words "other supplies issued" are substituted for the words "those issued under the provisions of this title". The words "at cost plus transportation" are sub-