

## [CHAPTER 904]

## AN ACT

October 21, 1940

[H. R. 10495]

[Public, No. 874]

To amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

National Defense Act, amendment.  
39 Stat. 198.  
32 U. S. C. § 194.

Maintenance of State troops in time of peace.

Provisos.  
Use of National Guard.

State police, etc.

Other military forces while National Guard in active Federal service.

Forces not subject to U. S. military call.

Issuance of War Department equipment, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 61 of the National Defense Act of June 3, 1916, be amended to read as follows:

"No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act: *Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department."

Approved, October 21, 1940.

## [CHAPTER 906]

## AN ACT

October 21, 1940

[S. 4338]

[Public, No. 875]

To amend the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended.

Civilian Conservation Corps.  
50 Stat. 320.  
16 U. S. C., Supp. V, § 584g.  
Terms of enrollment of Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8 of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended by the Act of May 12, 1938 (52 Stat. 349), is further amended by adding after the words "War veterans" in the second proviso of said section the following: "and Indians".

Approved, October 21, 1940.

## [CHAPTER 908]

## JOINT RESOLUTION

October 22, 1940

[S. J. Res. 258]

[Pub. Res., No. 107]

To provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

Oliver Wendell Holmes, bequest.  
Committee on recommendations authorized to function.  
52 Stat. 943.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the committee selected pursuant to section 3 of Public Resolution Numbered 124, Seventy-fifth Congress, approved June 22, 1938, to make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Oliver Wendell Holmes, late an Associate Justice of the Supreme Court of the United States, is authorized to execute the