

TITLE 32.—NATIONAL GUARD

Chapter 1.—COMPOSITION, ORGANIZATION, AND CONTROL GENERALLY

§ 19. Repealed. July 9, 1952, ch. 608, pt. VIII, § 803, 66 Stat. 505.

CONTINUATION OF APPOINTMENTS UNTIL RELEASE FROM ACTIVE DUTY

Act May 27, 1953, ch. 73, 67 Stat. 38, provided: "That if the appointment as a commissioned officer or warrant officer of any person who is determined, as provided in the Missing Persons Act (50 Stat. 143), as amended [section 1001 et seq. of Title 50, Appendix], to have been in a status of missing, missing in action, interned, captured, beleaguered, or besieged at any time after June 25, 1950, and before the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 C. F. R. 71) [set out as a note preceding section 1 of Appendix to Title 50, War and National Defense, Appendix], would normally terminate before the person holding that appointment is released from active duty, the President is authorized to continue that appointment in effect until that person is released from active duty. On or before the date of his release from active duty, any such person who agrees in writing to have his appointment as a Reserve commissioned officer or a Reserve warrant officer continued in effect for an indefinite term shall be given an indefinite term appointment in lieu of the appointment which he holds at that time."

CONTINUATION OF APPOINTMENTS

Ex. Ord. No. 10406, June 30, 1953, 18 F. R. 3777, continued in effect appointments under this section in accordance with act May 27, 1953, ch. 73, 67 Stat. 38, set out as a note under this section.

CONTINUATION OF APPOINTMENTS UNTIL JULY 1, 1953

Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, amended Joint Res. July 3, 1952, referred to in a note under this section, by extending the time limitation for continuation of appointments from April 1, 1953 to July 1, 1953. Ex. Ord. No. 10441, Apr. 1, 1953, 18 F. R. 64, extended appointments of all officers and warrant officers under the former section until and including July 1, 1953, in accordance with Joint Res. July 3, 1952.

Chapter 3.—ARMAMENT, EQUIPMENT AND SUPPLIES

§ 42. Care of animals; armament, etc.

CARETAKERS FOR ARMY NATIONAL GUARD

Section 301 of act July 13, 1955, ch. 358, title III, 69 Stat. 305, provided in part that: "The number of caretakers authorized to be employed under the provisions of section 90 of the National Defense Act of June 3, 1916, as amended [this section], may be such as is deemed necessary by the Secretary of the Army."

Similar provisions were contained in acts Aug. 1, 1953, ch. 305, title III, § 301, 67 Stat. 340; June 30, 1954, ch. 432, title IV, § 401, 68 Stat. 340.

CARETAKERS FOR AIR NATIONAL GUARD

Section 501 of act July 13, 1955, ch. 358, title V, 69 Stat. 313, provided that: "The number of caretakers authorized to be employed under the provisions of law [this section] may be such as is deemed necessary by the Secretary of the Air Force."

Similar provisions were contained in acts Aug. 1, 1953,

ch. 305, title V, § 501, 67 Stat. 349; June 30, 1954, ch. 432, title VI, § 601, 68 Stat. 349.

§ 47. Military property lost, destroyed, damaged, or becoming unserviceable.

All military property issued to the National Guard and Air National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard or Air National Guard in any State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the United States Army, United States Air Force, or the National Guard or Air National Guard detailed by the appropriate Secretary, and the report of such surveying officer shall be forwarded to the appropriate Secretary or to such officer as he shall designate to receive such reports. The appropriate Secretary or his designated representative is authorized to relieve the State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia from further accountability and pecuniary liability for such property in any case except where it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, in which case the money value of such property shall be charged to the accountable State, Territory, the Commonwealth of Puerto Rico, or District of Columbia to be paid from State, Territory, Commonwealth, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the appropriate Secretary or his designated representative shall direct what disposition by sale or otherwise shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, the Commonwealth of Puerto Rico or the District of Columbia to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States: *Provided*, That if any State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia by the appropriate Secretary after survey by a disinterested officer appointed as hereinbefore provided, the appropriate Secretary is hereby authorized to debar such State, Territory,

the Commonwealth of Puerto Rico, or the District of Columbia from further participation in any and all appropriations for the National Guard or Air National Guard, as appropriate, until such payment shall have been made: *Provided further*, That property issued to the National Guard and Air National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Army of the United States, Air Force of the United States, or the National Guard or Air National Guard detailed by the appropriate Secretary, be sold or otherwise disposed of, and the State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia accountable shall be relieved from further accountability therefor; such inspection, and sale or other disposition, to be made under regulations prescribed by the appropriate Secretary, and to constitute as to such property a discretionary substitute for the examination, report, and disposition provided for elsewhere in this section. (As amended Aug. 27, 1954, ch. 1014, 68 Stat. 880.)

AMENDMENTS

1954—Act Aug. 27, 1954 amended section to insert references to the Air National Guard, and the Commonwealth of Puerto Rico; to provide that disinterested surveying officers may be those of the United States Army and United States Air Force rather than merely those of the Regular Army; to permit officers of the Army of the United States, the Air Force of the United States, the National Guard, and the Air National Guard to make findings that issued property has become unserviceable through fair wear and tear in service, instead of only officers of the Regular services; to delete the authority to retain the funds collected for property lost, damaged or destroyed through neglect, in the State allotment, to be available for the same purposes for an additional fiscal year; and to substitute the provisions relieving a State, etc., from accountability and pecuniary liability for lost, damaged, or destroyed property, except when the loss, damage, or destruction was due to carelessness or neglect, or could have been avoided by the exercise of reasonable care, for the provisions that a State, etc., could not be relieved of accountability for National Guard property owned by the Federal Government unless the property was lost, damaged, or destroyed through "unavoidable causes".

§ 49. Property and disbursing officers.

The Governor of each State and Territory and the Commanding General of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretaries of the Army and Air Force, a qualified officer of the National Guard of the United States or the Air National Guard of the United States, who is an officer of the National Guard or Air National Guard of the State, Territory, or District of Columbia and who shall be the United States property and fiscal officer. The President may with the consent of the officer concerned, if such officer is not on active duty, order him to active duty to serve as United States property and fiscal officer of the State, Territory, or the District of Columbia, for which appointed, designated or detailed, and, upon relief from assignment as United States property and fiscal officer, he shall revert to his National Guard or Air National Guard status. The United States property

and fiscal officer shall receipt and account for all funds and property belonging to the United States in possession of the National Guard or Air National Guard of the State, Territory, or the District of Columbia, and shall make such returns and reports pertaining thereto as may be required by the appropriate Secretary. Before entering upon his duties as property and fiscal officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretaries of the Army and the Air Force, for the faithful performance of his duties and for the safekeeping and proper disposition of the Federal property entrusted to his care. He shall receive pay and allowances provided by law. The appropriate Secretary shall cause an inspection of the pertinent accounts and records of the United States property and fiscal officer to be made by an Inspector General of his Department at least once each year. The Secretaries shall make joint rules and regulations necessary to carry into effect the provisions of this section, which rules and regulations shall establish a maximum grade, not above colonel, for the United States property and fiscal officer of each State, Territory, and the District of Columbia, which grade shall be commensurate with the duties, functions, and responsibilities of the office. (As amended July 6, 1954, ch. 462, 68 Stat. 451.)

AMENDMENTS

1954—Act July 6, 1954, amended section to provide for an active-duty status for United States property and fiscal officers of the National Guard.

Chapter 4.—INSTRUCTION, TRAINING AND DISCIPLINE

§ 75. Government employees in National Guard; leaves of absence for training periods; employment and reemployment rights; pay and allowances.

CROSS REFERENCES

Employment rights of Reserve officers and enlisted personnel; pay and allowances, see section 371b of Title 10, Army and Air Force.

Government employees as Reserve officers and enlisted personnel; leaves of absence when ordered to duty, see section 371 of Title 10, Army and Air Force.

§ 113. Examination for commissions.

CROSS REFERENCES

Extension of recognition upon promotion in Air National Guard of the United States without examination, see sections 1344, 1350, and 1351 of Title 50, War and National Defense.

§ 115. Withdrawal of Federal recognition.

CROSS REFERENCES

Withdrawal of Federal recognition in the case of second lieutenants whose promotion is not timely accomplished, see section 1261 of Title 50, War and National Defense.

Chapter 7.—COMMISSIONED OFFICERS

TEMPORARY LIMITATIONS ON NUMBER OF OFFICERS IN ARMED FORCES

Temporary personnel limitations on number of commissioned officers serving on active duty in Armed Forces, see note set out under section 20j of Title 10, Army and Air Force.