

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

2006—Subsec. (a). Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands” for “State or Territory or Puerto Rico”.

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.”

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

(a) Subject to the approval of the Secretary of the Army, any State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands 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, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands 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; Pub. L. 109-163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

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 substituted for the words “at the price at which they shall be listed to the Army, with cost of transportation added”.

In subsection (b), 32:39a (less last 23 words) is omitted as obsolete and superseded by 32:39 (proviso of last sentence). The Act of June 23, 1910, ch. 370 (less proviso), not contained in 32:39a, is omitted from the revised section as executed. The words “bought under subsection (a)” are substituted for the words “so purchased”. The words “for military use” are substituted for the words “for use in the military service thereof”. The words “and when so requisitioned by the United States and delivered” and “ultimate” are omitted as surplusage.

In subsection (c), the words “Proceeds of sales by the Department of the Army and the Department of the Air Force under this section” are substituted for the words “The funds received from such sale”. The words “from which the property was purchased” are substituted for the words “to which they shall belong”. The words “may be used to replace property sold under this section” are substituted for the words “shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized”.

AMENDMENTS

2006—Subsecs. (a), (b). Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, or the District of Columbia”.

1988—Subsecs. (a), (b). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico.”

§ 704. Accountability: relief from upon order to active duty

Upon ordering any part of the Army National Guard of the United States or the Air National Guard of the United States to active duty, the President may, upon such terms as he may prescribe, relieve the State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands, whichever is concerned, of accountability for property of the United States previously issued to it for the use of that part.

(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; Pub. L. 109-163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
704	50:1121.	July 9, 1952, ch. 608, §711, 66 Stat. 504.

The words “to active duty” are substituted for the words “into the active military service of the United States”. The word “conditions” is omitted as covered by the word “terms”. The word “previously” is substituted for the word “theretofore”. The word “liability” is omitted as covered by the word “accountability”. The words “that part” are substituted for the words “such portion of the National Guard of the United States or of the Air National Guard of the United States”.

AMENDMENTS

2006—Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, or the District of Columbia”.

1988—Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico.”

§ 705. Purchase of uniforms and equipment by officers of National Guard from Army or Air Force

Officers of the Army National Guard not in Federal service may buy articles of individual clothing and equipment from the Department of the Army, under such regulations as the Secretary of the Army may prescribe. On the same basis, officers of the Air National Guard not in Federal service may buy those items from the Department of the Air Force. Purchases under this section shall be for cash, at average current costs, including overhead, as determined by the Secretary concerned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
705	32:156.	June 3, 1916, ch. 134, §109; restated June 4, 1920, ch. 227, subch. 1, §47; restated June 3, 1924, ch. 244, §3; restated Oct. 14, 1940, ch. 875, §3, 54 Stat. 1136; Mar. 25, 1948, ch. 157, §5(b), 62 Stat. 91; Oct. 12, 1949, ch. 681, §501(f)(2) and (3) (as applicable to §109 of the Act of June 3, 1916, ch. 134), 63 Stat. 827; July 9, 1952, ch. 608, §803 (12th par.), 66 Stat. 505.

The reference to 10:1106 is omitted, since that section related only to sales of uniforms and equipment to cadets at the United States Military Academy. The reference to 10:904 is omitted as covered by the language of the revised section. The words “at average current costs, including overhead, as determined by the Secretary concerned” are inserted to reflect sections 4621 and 9621 of title 10, which apply to all sales of individual clothing and equipment. The words “articles of individual clothing and equipment” are substituted for the words “uniforms, accouterments, and equipment”. The words “active and inactive”, “on proper identification”, and “rules and” are omitted as surplusage.

§ 706. Return of arms and equipment upon relief from Federal service

So far as practicable, whenever units, organizations, or members of the National Guard are returned to their National Guard status under section 325(b)¹ of this title, arms and equipment that the Secretary concerned determines are sufficient to accomplish their peacetime mission shall be returned with them.

(Aug. 10, 1956, ch. 1041, 70A Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
706	50:1122(b) (last 17 words.)	July 9, 1952, ch. 608, §712(b) (last 17 words), 66 Stat. 504.

The words “So far as practicable” are inserted, since sufficient arms and equipment might not be available.

REFERENCES IN TEXT

Section 325(b) of this title, referred to in text, was redesignated section 325(c) of this title by Pub. L. 110-417, [div. A], title V, §517(b)(1), Oct. 14, 2008, 122 Stat. 4442.

¹ See References in Text note below.

§ 707. Use of public buildings for offices by instructors

Whenever practicable, instructors of the National Guard shall use State armories or other public buildings for offices.

(Aug. 10, 1956, ch. 1041, 70A Stat. 614.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
707	32:74.	May 12, 1917, ch. 12 (10th proviso under “National Guard”), 40 Stat. 68.

The word “instructors” is substituted for the words “inspector-instructors”, since there are no longer any “inspector-instructors”.

§ 708. Property and fiscal officers

(a) The Governor of each State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, and the commanding general of the National Guard of the District of Columbia, shall appoint, designate or detail, subject to the approval of the Secretary of the Army and the Secretary of the Air Force, a qualified commissioned officer of the National Guard of that jurisdiction who is also a commissioned officer of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, to be the property and fiscal officer of that jurisdiction. If the officer is not on active duty, the President may order him to active duty, with his consent, to serve as a property and fiscal officer.

(b) Each property and fiscal officer shall—

(1) receipt and account for all funds and property of the United States in the possession of the National Guard for which he is property and fiscal officer; and

(2) make returns and reports concerning those funds and that property, as required by the Secretary concerned.

(c) When he ceases to hold that assignment, a property and fiscal officer resumes his status as an officer of the National Guard.

(d) The Secretaries shall prescribe a maximum grade, commensurate with the functions and responsibilities of the office, but not above colonel, for the property and fiscal officer of the United States for the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(e) The Secretary of the Army and the Secretary of the Air Force shall prescribe joint regulations necessary to carry out subsections (a)–(d).

(f) A property and fiscal officer may intrust money to an officer of the National Guard to make disbursements as his agent. Both the officer to whom money is intrusted, and the property and disbursing officer intrusting the money to him, are pecuniarily responsible for that money to the United States. The agent officer is subject, for misconduct as an agent, to the liabilities and penalties prescribed by law in like cases for the property and fiscal officer for whom he is acting.