

Similar provisions were contained in the following prior acts:

Sept. 29, 1967, Pub. L. 90-96, title II, 81 Stat. 236.  
 Oct. 15, 1966, Pub. L. 89-687, title II, 80 Stat. 985.  
 Sept. 29, 1965, Pub. L. 89-213, title II, 79 Stat. 868.  
 Aug. 19, 1964, Pub. L. 88-466, title II, 78 Stat. 469.  
 Oct. 17, 1963, Pub. L. 88-149, title II, 77 Stat. 259.  
 Aug. 9, 1962, Pub. L. 87-577, title II, 76 Stat. 323.  
 Aug. 17, 1961, Pub. L. 87-144, title II, 75 Stat. 370.  
 July 7, 1960, Pub. L. 86-601, title II, 74 Stat. 344.  
 Aug. 18, 1959, Pub. L. 86-166, title II, 73 Stat. 372.  
 Aug. 22, 1958, Pub. L. 85-724, title V, 72 Stat. 723.  
 Aug. 2, 1957, Pub. L. 85-117, title V, 71 Stat. 322.  
 July 2, 1956, ch. 488, title V, 70 Stat. 466.  
 July 13, 1955, ch. 358, title V, 69 Stat. 313.  
 June 30, 1954, ch. 432, title VI, 68 Stat. 349.  
 Aug. 1, 1953, ch. 305, title V, 67 Stat. 349.  
 July 10, 1952, ch. 630, title V, 66 Stat. 530.  
 Oct. 18, 1951, ch. 512, title V, 65 Stat. 444.  
 Sept. 6, 1950, ch. 896, Ch. X, title V, 64 Stat. 751.  
 Oct. 29, 1949, ch. 787, title V, 63 Stat. 1017.

#### NUMBER OF CARETAKERS FOR ARMY NATIONAL GUARD

Pub. L. 90-580, title II, Oct. 17, 1968, 82 Stat. 1124, provided that the number of caretakers authorized to be employed under this section and those necessary to provide reimbursable services for the military departments, may be such as is deemed necessary by the Secretary of the Army.

Similar provisions were contained in the following prior acts:

Sept. 29, 1967, Pub. L. 90-96, title II, 81 Stat. 236.  
 Oct. 15, 1966, Pub. L. 89-687, title II, 80 Stat. 984.  
 Sept. 29, 1965, Pub. L. 89-213, title II, 79 Stat. 867.  
 Aug. 19, 1964, Pub. L. 88-446, title II, 78 Stat. 469.  
 Oct. 17, 1963, Pub. L. 88-149, title II, 77 Stat. 258.  
 Aug. 9, 1962, Pub. L. 87-577, title II, 76 Stat. 322.  
 Aug. 17, 1961, Pub. L. 87-144, title II, 75 Stat. 369.  
 July 7, 1960, Pub. L. 86-601, title II, 74 Stat. 343.  
 Aug. 18, 1959, Pub. L. 86-166, title II, 73 Stat. 371.  
 Aug. 22, 1958, Pub. L. 85-724, title III, 72 Stat. 715.  
 Aug. 2, 1957, Pub. L. 85-117, title III, 71 Stat. 315.  
 July 2, 1956, ch. 488, title III, 70 Stat. 458.  
 July 13, 1955, ch. 358, title III, 69 Stat. 305.  
 June 30, 1954, ch. 432, title IV, 68 Stat. 340.  
 Aug. 1, 1953, ch. 305, title III, 67 Stat. 340.  
 July 10, 1952, ch. 630, title III, 66 Stat. 522.  
 Oct. 18, 1951, ch. 512, title III, 65 Stat. 435.  
 Sept. 6, 1950, ch. 896, Ch. X, title III, 64 Stat. 740.  
 Oct. 29, 1949, ch. 787, title III, 63 Stat. 1000.  
 June 24, 1948, ch. 632, 62 Stat. 662.  
 July 30, 1947, ch. 357, title I, 61 Stat. 564.  
 July 16, 1946, ch. 583, 60 Stat. 556.

#### § 710. Accountability for property issued to the National Guard

(a) All military property issued by the United States to the National Guard remains the property of the United States.

(b) The Secretary of the Army shall prescribe regulations for accounting for property issued by the United States to the Army National Guard and for the fixing of responsibility for that property. The Secretary of the Air Force shall prescribe regulations for accounting for property issued by the United States to the Air National Guard and for the fixing of responsibility for that property. So far as practicable, regulations prescribed under this section shall be uniform among the components of each service.

(c) Under regulations prescribed by the Secretary concerned under subsection (b), liability for the value of property issued by the United States to the National Guard that is lost, damaged, or destroyed may be charged (1) to a mem-

ber of the Army National Guard or the Air National Guard when in similar circumstances a member of the Army or Air Force serving on active duty would be so charged, or (2) to a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands when the property is lost, damaged, or destroyed incident to duty directed pursuant to the laws of, and in support of the authorities of, such jurisdiction. Liability charged to a member of the Army National Guard or the Air National Guard shall be paid out of pay due to the member for duties performed as a member of the National Guard, unless the Secretary concerned shall for good cause remit or cancel that liability. Liability charged to a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands shall be paid from its funds or from any other non-Federal funds.

(d) If property surveyed under this section is found to be unserviceable or unsuitable, the Secretary concerned or his designated representative shall direct its disposition by sale or otherwise. The proceeds of the following under this subsection shall be deposited in the Treasury under section 4(b)(22) of the Permanent Appropriation Repeal Act, 1934:

(1) A sale.

(2) A stoppage against a member of the National Guard.

(3) A collection from a person, or from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands, to reimburse the United States for the loss or destruction of, or damage to, the property.

(e) If a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands, whichever is concerned, neglects or refuses to pay for the loss or destruction of, or damage to, property charged against it under subsection (c), the Secretary concerned may bar it from receiving any part of appropriations for the Army National Guard or the Air National Guard, as the case may be, until the payment is made.

(f)(1) Instead of the procedure prescribed by subsections (b), (c), and (d), property issued to the National Guard that becomes unserviceable through fair wear and tear in service may, under regulations to be prescribed by the Secretary concerned, be sold or otherwise disposed of after an inspection, and a finding of unserviceability because of that wear and tear, by a commissioned officer designated by the Secretary. The State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands, whichever is concerned, is relieved of accountability for that property.

(2) In designating an officer to conduct inspections and make findings for purposes of paragraph (1), the Secretary concerned shall designate—

(A) in the case of the Army National Guard, a commissioned officer of the Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States; and

(B) in the case of the Air National Guard, a commissioned officer of the Regular Air Force

or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 615; Pub. L. 85-861, §33(c)(3), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 96-328, §1(a), (b)(1), Aug. 8, 1980, 94 Stat. 1027; Pub. L. 96-513, title V, §515(8), Dec. 12, 1980, 94 Stat. 2937; Pub. L. 97-258, §3(h)(2), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 103-160, div. A, title V, §524(e), Nov. 30, 1993, 107 Stat. 1657; Pub. L. 109-163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
710(a) .....	32:47 (1st sentence).	June 3, 1916, ch. 134, §87;
710(b) .....	32:47 (2d sentence).	June 3, 1924, ch. 244, §1;
710(c) .....	32:47 (3d sentence).	restated Feb. 28, 1925,
	32:154 (last proviso of 2d par.).	ch. 371, §4; restated Aug. 27, 1954, ch. 1014, 68 Stat. 880.
710(d) .....	32:47 (last sentence, less proviso).	June 3, 1916, ch. 134, §110 (last proviso of 2d par.); restated Sept. 22, 1922, ch. 423, §6 (last proviso of 2d par.); restated Apr. 6, 1928, ch. 322 (last proviso), 45 Stat. 408.
710(e) .....	32:47 (1st proviso of last sentence).	
710(f) .....	32:47 (last proviso of last sentence).	

In subsection (a), the words “as herein provided” are omitted as surplusage.

In subsections (b) and (f), the word “commissioned” is inserted, since 32:47 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

In subsection (b), the words “by use in service or from any other cause” and “surveying” are omitted as surplusage. The words “a survey of the circumstances thereof” are substituted for the word “it”.

In subsection (c), the first 12 words of the second sentence are substituted for 32:47 (38th through 77th words of 2d sentence). Clause (2) is substituted for 32:154 (last proviso of 2d par.).

In subsection (d), the last sentence is substituted for 32:47 (words between semicolon and 1st colon of last sentence).

In subsection (e), the words “charged against it under subsection (c)” are substituted for the words “changed against such State, Territory, or the District of Columbia by the Secretary of the Army after survey by a disinterested officer appointed as hereinbefore provided”. The words “may bar it from receiving” are substituted for the words “is authorized to debar such State, Territory, or the District of Columbia from further participation in any and all”.

In subsection (f), the words “Instead of the procedure prescribed by subsections (b)-(d)” are substituted for the words “and to constitute as to such property a discretionary substitute for the examination, report, and disposition provided for elsewhere in this section”. The words “a finding of unserviceability because of that wear and tear” are substituted for the words “finding to that effect”.

1958 ACT

This change corrects a typographical error.

Editorial Notes

REFERENCES IN TEXT

Section 4(b)(22) of the Permanent Appropriation Repeal Act, 1934, referred to in subsec. (d), is section 4(b)(22) of act June 26, 1934, ch. 756, 48 Stat. 1228, which was classified to section 725c(b)(22) of former Title 31, and was omitted from the Code in the general revision

and reenactment of Title 31, Money and Finance, by Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

2006—Subsecs. (c), (d)(3), (e), (f)(1). 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” wherever appearing.

1993—Subsec. (f). Pub. L. 103-160 designated existing provisions as par. (1), substituted “subsections (b), (c), and (d)” for “subsections (b)-(d)”, struck out “of the Regular Army or the Regular Air Force, as the case may be,” after “commissioned officer”, and added par. (2).

1988—Subsecs. (c), (d)(3), (e), (f). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

1982—Subsec. (d). Pub. L. 97-258 struck out “(31 U.S.C. 725c(b)(22))” after “1934”.

1980—Pub. L. 96-328, §1(b)(1), substituted “Accountability for property issued to the National Guard” for “Reports of survey” in section catchline.

Subsec. (b). Pub. L. 96-328, §1(a), substituted provisions authorizing the Secretary of the Army, regarding the Army National Guard, and the Secretary of the Air Force, regarding the Air National Guard, to prescribe regulations for accounting for property issued by the United States to each service and for fixing responsibility for that property and requiring, as far as practicable, that the regulations prescribed be uniform among the components of each service for provisions authorizing, that if property issued to the National Guard is lost, damaged, or destroyed, or becomes unserviceable or unsuitable, a survey of the circumstances involved be conducted by a disinterested commissioned officer of the Regular Army, Army National Guard, Regular Air Force, or Air National Guard, as the case may be, and a report of the survey sent to the Secretary concerned or an officer designated by that Secretary to receive those reports.

Subsec. (c). Pub. L. 96-328, §1(a), substituted provisions authorizing the Secretary concerned to charge liability for property lost, damaged, or destroyed to a member of the Army National Guard or Air National Guard when in similar circumstances a member of the Army or Air Force serving on active duty would be charged, to remit or cancel the liability of a member for good cause, and to charge a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia when such loss is incident to duty directed pursuant to the laws of, and in support of the authorities of, such jurisdiction for provisions authorizing the Secretary concerned to relieve a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia of liability for loss, damage, or destruction of property unless such loss occurred through negligence.

Subsec. (d). Pub. L. 96-513 substituted “4(b)(22) of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725c(b)(22))” for “725c(b)(22) of title 31”.

1958—Subsec. (c). Pub. L. 85-861 substituted “of further” for “or further”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

Pub. L. 96-328, §2, Aug. 8, 1980, 94 Stat. 1028, provided that: “The amendment made by subsection (a) of the first section of this Act [amending subsecs. (b) and (c) of this section] shall apply to liability for property issued by the United States to the National Guard that is lost, damaged, or destroyed on or after October 1, 1980. Liability for such property that is lost, damaged, or destroyed before such date shall be governed by the provisions of section 710 of title 32, United States Code, as in effect on the day before the date of the enactment of this Act [Aug. 8, 1980].”

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of Title 10, Armed Forces.

§ 711. Disposition of obsolete or condemned property

Each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands shall, upon receiving new property issued to its National Guard to replace obsolete or condemned issues of property, return the replaced property to the Department of the Army or the Department of the Air Force, as the case may be, or otherwise dispose of it, as the Secretary concerned directs. No money credit may be allowed for property disposed of under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 616; 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)(2), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 711: 32:46, June 3, 1916, ch. 134, §85, 39 Stat. 204.

The words "to its National Guard" are inserted for clarity. The word "it" is substituted for the words "all property so replaced or condemned". The last sentence is substituted for 32:46 (last 8 words).

Editorial Notes

AMENDMENTS

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

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

§ 712. Disposition of proceeds of condemned stores issued to National Guard

The following shall be covered into the Treasury:

- (1) The proceeds from sales of condemned stores issued to the National Guard of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands, and not charged against its allotment.
(2) The net proceeds from collections made from any person to reimburse the United States for the loss or destruction of, or damage to, property described in clause (1).
(3) Stoppage against members of the National Guard for the loss or destruction of, or damage to, property described in clause (1).

(Aug. 10, 1956, ch. 1041, 70A Stat. 616; 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

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 712: 32:45, June 3, 1916, ch. 134, §88, 39 Stat. 205; Oct. 31, 1951, ch. 654, §3(5), 65 Stat. 708.

The introductory clause is substituted for the words "shall be covered into the Treasury of the United States" and "as shall also". The words "United States" are substituted for the word "Government". The words "members of the National Guard" are substituted for the words "officers and enlisted men".

Editorial Notes

AMENDMENTS

2006—Par. (1). 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—Par. (1). Pub. L. 100-456 struck out "the Canal Zone," after "Puerto Rico,".

§ 713. Official mail: free transmission

Units and headquarters of the National Guard, whether or not in Federal service, have the same privilege of free mailing of official matter as the Department of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 617.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 713: 32:196, Aug. 1, 1953, ch. 305, §643, 67 Stat. 357.

The word "Hereafter" is omitted as executed. The words "and the Air National Guard" are omitted, since "National Guard", as defined in section 101(2) of this title, includes the Army National Guard and the Air National Guard. The words "Federal service" are substituted for the words "active service of the United States". The words "mailing of official matter" are substituted for the words "transmission of official mail matter".

§ 714. Final settlement of accounts: deceased members

(a) In the settlement of the accounts of a member of the National Guard who dies after December 31, 1955, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

- (1) Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased member's death, at the place named in regulations to be prescribed by the Secretary concerned.
(2) Surviving spouse.
(3) Children and their descendants, by representation.
(4) Father and mother in equal parts or, if either is dead, the survivor.
(5) Legal representative.
(6) Person entitled under the law of the domicile of the deceased member.

(b) Designations and changes of designation of beneficiaries under subsection (a)(1) are subject to regulations to be prescribed by the Secretary concerned. So far as practicable, these regulations shall be uniform with those prescribed for the armed forces under section 2771(b) of title 10.

(c) Under such regulations as the Secretary concerned may prescribe, payments under subsection (a) shall be made by the Department of the Army or the Department of the Air Force, as the case may be.