

COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



2026

SCHEDULE

Time	Duration	Section
09:30	75	G3 / 5 / 7
10:50	35	G4
11:20	10	BREAK
11:30	35	USPFO
12:05	20	WORKING LUNCH
12:25	20	G1
12:45	25	EO
13:10	15	SHARP
13:25	25	JRD
13:50	10	BREAK
14:00	30	JAG
14:30	15	IG
14:45	15	OSM
15:00	15	DOMS
15:15	15	Family Programs
15:30	15	J2
15:45	15	PAO
16:00	15	SSO



G-3

TRAINING READINESS



Training Readiness in REARRMM

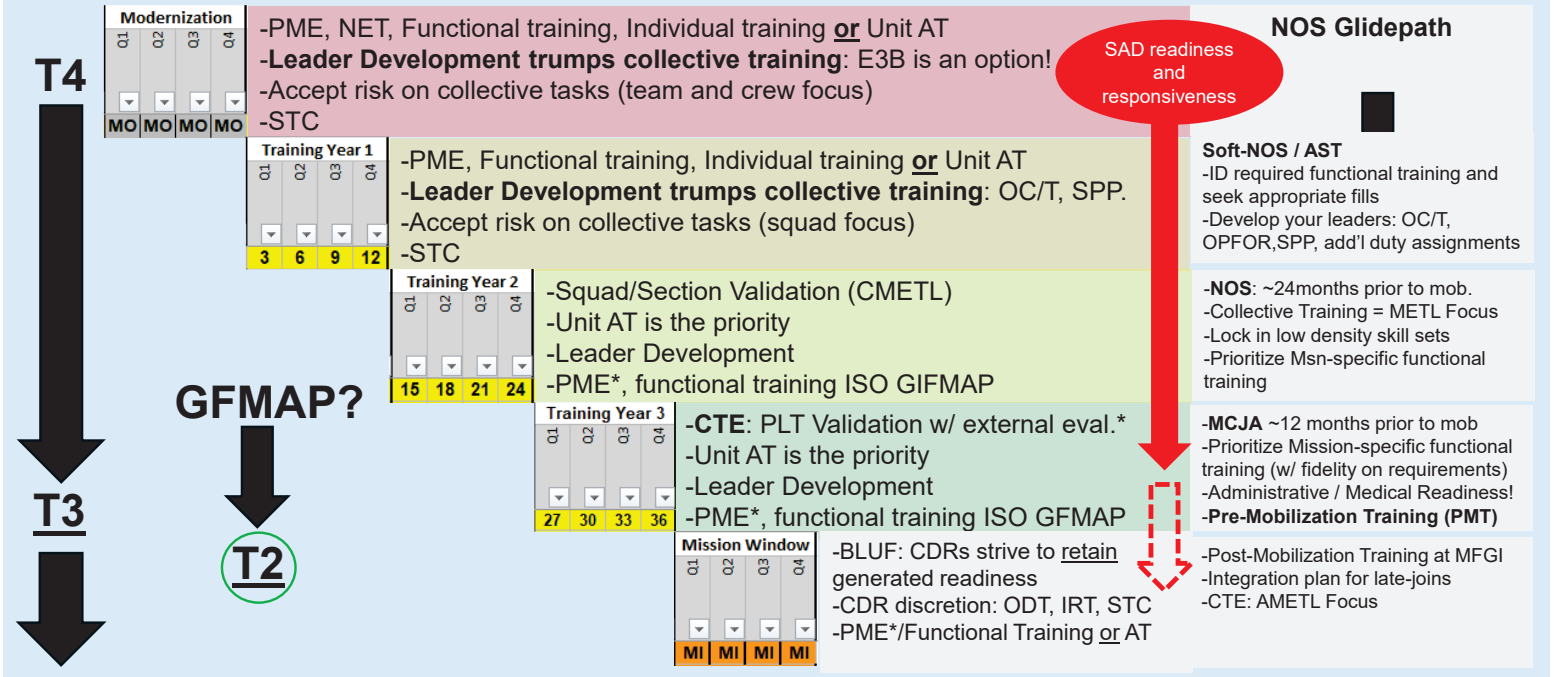
1. Describe OKARNG's current fiscal environment?
2. What is REARRMM? What is CTRIM?
3. What does the Army expect of a CDR and 1SG? What does the TAG expect?

Modernization				Training Year 1				Training Year 2				Training Year 3				Mission Window			
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼	▼
MO	MO	MO	MO	3	6	9	12	15	18	21	24	27	30	33	36	MI	MI	MI	MI

What is a successful training end state for my Company, Battery, Troop?



Training Readiness in REARMM



Making Time Count

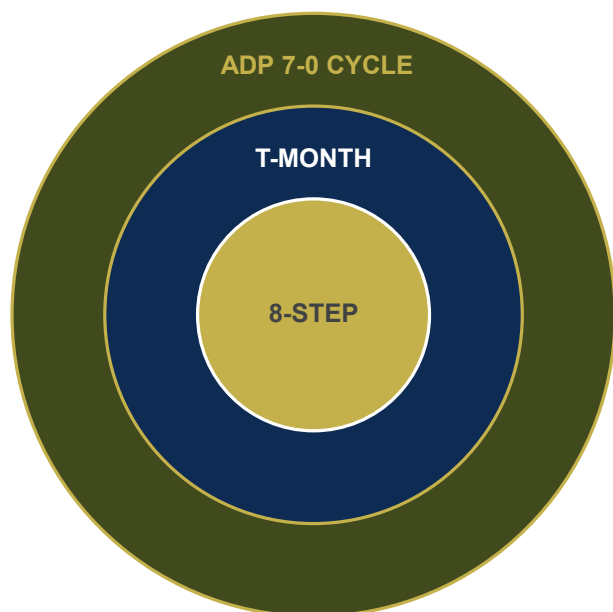
Training Meetings & the 8-Step Model

Lose the meeting, lose the training

For newly assigned Company Commanders & First Sergeants



From Doctrine to Drill Weekend



- ADP/FM 7-0: the training cycle
- T-Month: how we time it
- 8-Step: how we execute
- One system, not three



Common Failure Modes

- Calendar read-out, no decisions
- No link to METs
- Late planning, broken T-Month
- Resources unlocked, events slip
- No AAR, no retrain
- Wrong people, no prep



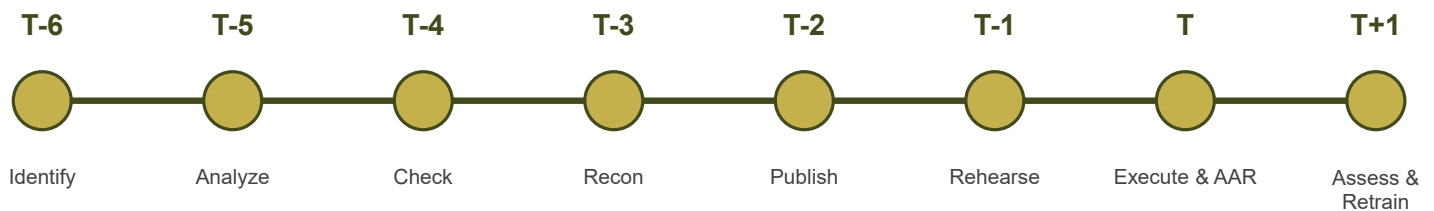
Fight to Train

- **Purpose**
- **Protect and improve training that builds proficiency**

- Review last training, decide retrain
- Lock next events early
- Synchronize resources and trainers
- Update METs and risk
- Assign actions, owners, deadlines



What 'Right' Looks Like



- T-6 to T-4: identify, analyze, check
- T-3 to T-1: recon, publish, rehearse
- T: execute and AAR
- T+1: assess and retrain



Command Team Roles

CDR	Runs meeting, sets priorities
1SG	Individual training, NCO input
XO	Resources, ATIS status
PLs	Brief event and step status
PSGs	Report proficiency trainers
Key NCOs	Red/Amber/Green status



The Commander's View



- Plan, Recon, Order
- Train Trainers, Rehearse
- Execute, AAR, Retrain
- Always know your step

8-STEP TRAINING MODEL

#	Step	Purpose	T-Mo
1	Plan	Decide	T-6/4
2	Recon	Verify	T-5/3
3	Order	Direct	T-4/2
4	Train Trainers	Enable	T-4/2
5	Rehearse	Refine	T-2/1
6	Execute	Perform	T
7	AAR	Learn	T/T+1
8	Retrain	Fix	T+1

Most-skipped, highest-payoff: Step 4 & 8



Make the Agenda Follow the Steps

Phase I

Assess Last Training

Steps 6-8

Phase II

Coordinate Next Events

Steps 1-5

Phase III

Plan Future Events

Steps 1-4

Every Update Names a Step



Two Companies, Same Mission

Charlie Co

- Calendar check only
- No step status
- Late resources

Delta Co

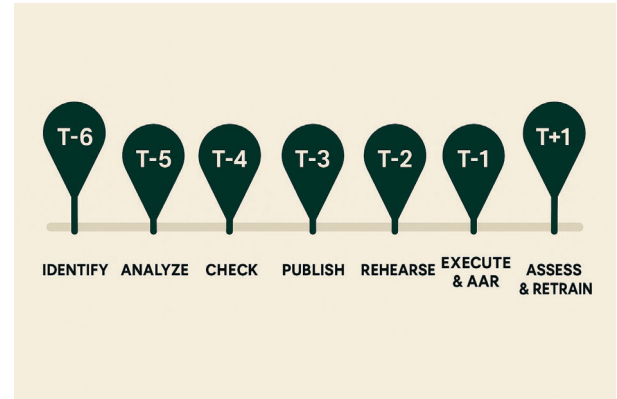
- Agenda follows 8-Step
- PLs brief status
- Retrain scheduled

Same CTE, Different Outcomes



Your Every-Meeting Checklist

- Connect events to METs
- Enforce T-Month and the steps
- Decide retrain now, not later
- Protect training time, fight distractions
- Empower PLs and PSGs



FM 7-0 | TC 7-0.2 | TC 7-0.3





G-4

Priorities & Guidance



G-4 Priorities & Guidance

The outcome of our inventories impacts our ability to be ready to deploy, fight and win decisively!

Soldiers must be familiar, comfortable, and confident in their equipment!

G4 Priorities (Unit Level)

- Unit property - Hand Receipts current
- OCIE/Clothing Records
- Equipment Readiness

Accountability of Equipment & Equipment Readiness

- Prop Book, Non-Property Book, Lateral Transfers, Turn-in
- Equipment Serviceability is always important

Communication with FTUS/Command

- Time – Use it wisely
- Priorities – they change (Fight for what you need and can justify and have the authorizations for)

Projected Resource Shortfalls / Support Requirements

- Plan for tactical not GSA/Commercial and/or convenience (Use your equipment)
- Project logistics requirements during initial planning.



Scenarios

SITUATION :

Mobilization Failure

A company is alerted for mobilization.
28% OR rate
Services overdue
Missing BII
ESR inaccurate

QUESTIONS:

What failed?
What should the commander have known?
What should the 1SG have enforced?
What actions happen immediately?

SITUATION:

Property Accountability Crisis

Sensitive item missing during inventory.

DISCUSSION:

Immediate actions?
FLIPL considerations?
Commander liability?
1SG role?

SITUATION:

Domestic Operations

Tornado response.
Fuel shortage
Communications failure
Convoy delays
No LOGSTAT reporting

QUESTIONS :

What sustainment systems failed?
How do you recover?
What should have existed beforehand?



Maintenance is a **COMMAND** Program

- Monthly Maintenance Meetings
- ESR Scrub Battle Rhythm
- Fault Verification
- Services Management
- Operator PMCS
- Recovery Operations

[Maintenance Flow Diagram Link](#)



Property Accountability

Commander Responsibilities:

- 100% Inventories (Includes BII, Use PMCS Manual)
- Sub-Hand Receipts to Users
- Cyclic Inventory Enforcement
- Sensitive Item Accountability
- FLIPL Initiation Timelines

Signed Does **NOT** Mean Inspected.

If Equipment is **NOT** Complete and Ready, Can It Help You?



Commander's Maintenance Culture Checklist

- Do I have an effective and ongoing relationship and dialogue with my supporting maintenance shops?
- Are my leaders technically competent to supervise Soldiers and inspect equipment IAW TM? Am I?
- When/how do I conduct battlefield circulation to support maintenance activities?
- Have I established maintenance as a priority in my unit/organization? How?
- Do leaders promptly and correctly remedy sub-standard maintenance conditions?
- Am I familiar with the elements of the Army 10-20 maintenance standard?
- Do my PLs and PSGs know the status of their equipment monthly?

Culture is defined by practices, not policy. A command-driven maintenance culture is key to effective collective training.



Commander's Maintenance Culture Checklist

- Are we accomplishing services? What about TMDE and weapons/optics gauging?
- Have I allotted prime training time strictly for the care, preservation, and maintenance of equipment?
- Are we conducting training concurrent with scheduled maintenance?
- Do I foster an ownership relationship with regards to equipment? Are TCs' and drivers' names on windshields?
- Are subordinate leaders present and active participants during scheduled maintenance periods?
- Do my soldiers have the necessary tools, supplies and TMs for maintenance operations?
- Do I review maintenance operations, transactions, and reports? How often?
- Are my units current on required roles and active in GCSS-Army to run C/B/T level maintenance and dispatching operations?

Pg. 2 of 2



Metrics that Matter

- FMC Rates
- ESR accuracy
- OR Rates
- Cyclic inventory completion
- Services completed on time
- Dispatch compliance
- CUSR impacts
- Training readiness

These metrics determine trust, resourcing, and deployment decisions.



The Hard Truth about Readiness

- GCSS Army is Only as Honest as the Unit
- Circle-X Culture Destroys Credibility
- Deferred Maintenance Compounds Exponentially
- Property Problems Become Commander Problems
- Readiness Cannot Be Surged Overnight

The Worst Readiness Issue is False Readiness!



CMDP

Common Failures

- Incorrect Dispatches
- Incomplete PMCS
- Inaccurate ESR Comments
- Unverified Faults
- Poor PLL Management

These are Preventable Leadership Failures.

What Right Looks Like

- Command Presence in Motor Pool
- 1SG Engaged in Accountability
- Accurate Readiness Reporting
- Predictive Maintenance
- Sustainment Integrated into Training



Mobilization Readiness

- Equipment Density
- Load Plans
- PMCS Standards
- Deployment Packets
- Cross-Leveling
- Containerization

Mobilization Exposes
Every sustainment
weakness ...
Don't be that guy!

Domestic Operations

- Fuel Operations
- Water/CLI Planning
- Communications Sustainment
- Vehicle Recovery
- Accountability During Emergencies

DSCA Logistics Moves
Faster Than Federal or
State Systems.

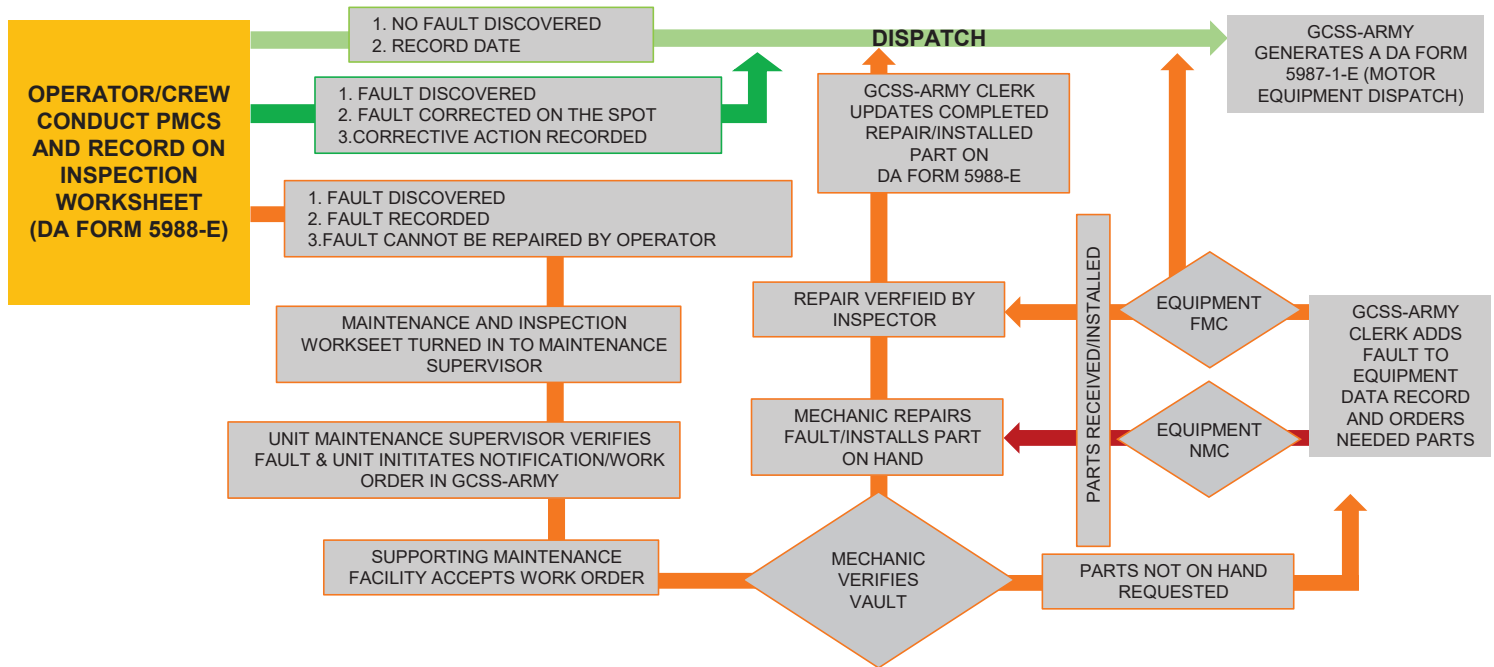


Top 5 Questions Commanders Ask G-4:

- Why is My OR Rate Low?
- How Do I Improve ESR Accuracy?
- What Triggers a FLIPL?
- How Should We Prioritize Maintenance?
- What Readiness Metrics Matter Most?



Maintenance Process



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USPFO/G8

Title 32 and Who We Are



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COL GLENN MILLER

USPFO for Oklahoma



Let's Start From the Beginning

The National Defense Act of 1916

- Significantly enlarged the power of the Federal Government
- Established a Civilian position in each state known as the Property and Disbursing Officer of the United States (USPDO); the forerunner of the USPFO
- WWII
 - The USPDO was not necessary when all personnel and equipment were federalized
 - Post WWII, under the War Powers Act, National Guard officers were extended to serve as the USPDO
 - Adjutant Generals Association and National Guard Association pushed for changes

32 USC 708 passed on 6 July 1954

- USPDO changed to USPFO
- Army or Air Force officers to be detailed as the USPFO
- Substantial language has remained virtually unchanged

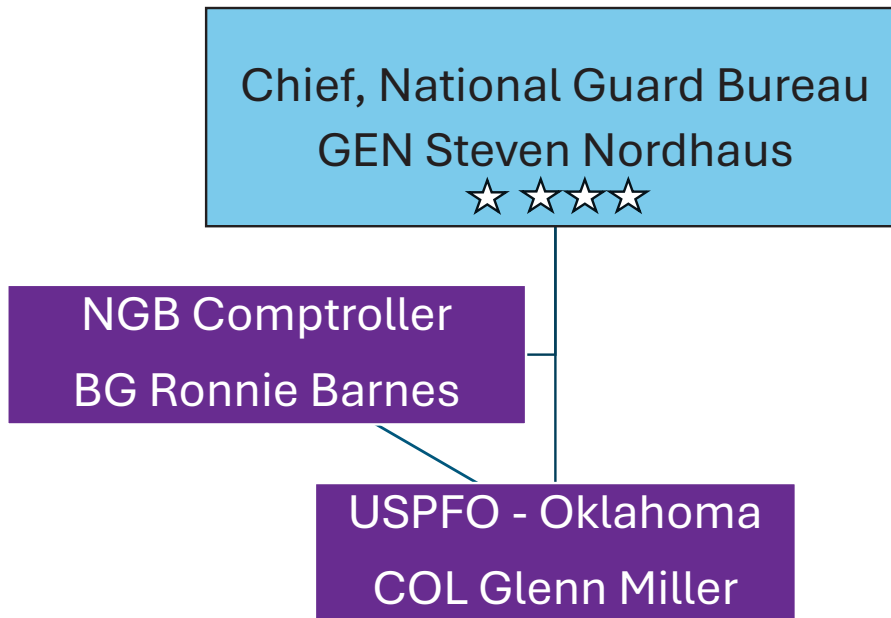


The Adjutant General (TAG)

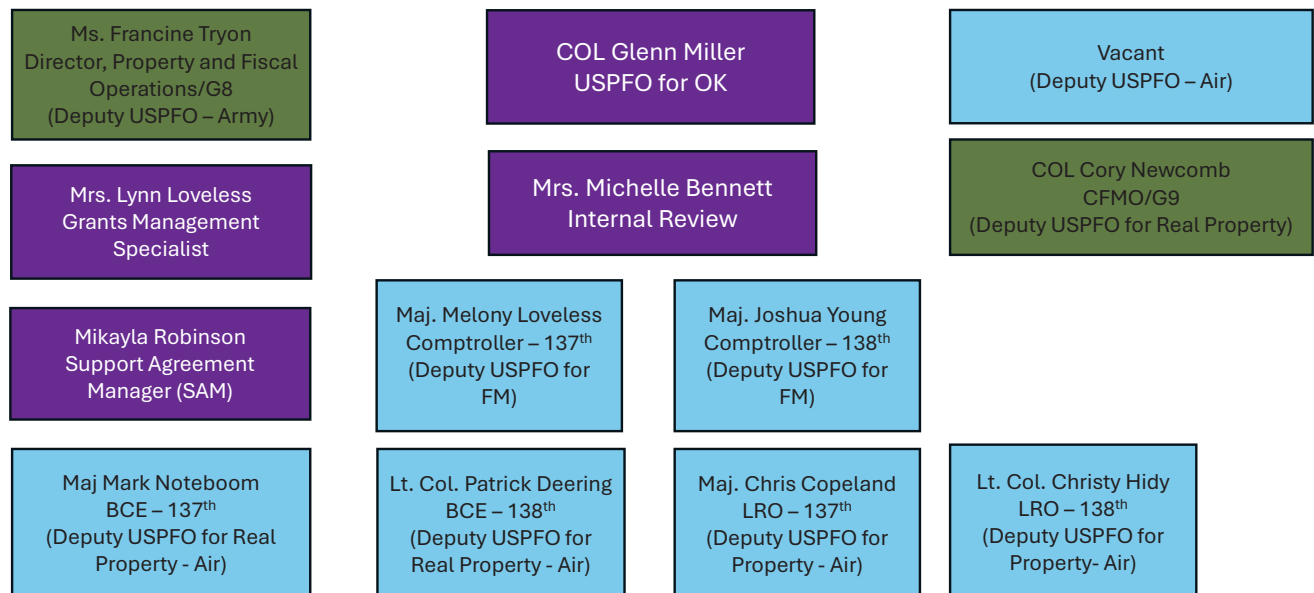
- TAG is in control of the military forces and is only subordinate to the Governor
- TAG alone has the authority to issue and transmit all orders of the Governor
- All officers in the State National Guard report through their assigned commands and organizations to TAG
- TAG directs the use of Federal funds and resources to train and administer the National Guard of that state
- Must adhere to the laws, regulations, and policies
- **Supremacy Clause of the US Constitution:** the responsibility to use Federal resources in conformance with Federal laws, regulations, and policies cannot be abrogated by State laws, regulations or policies



USPFO Structure Chart

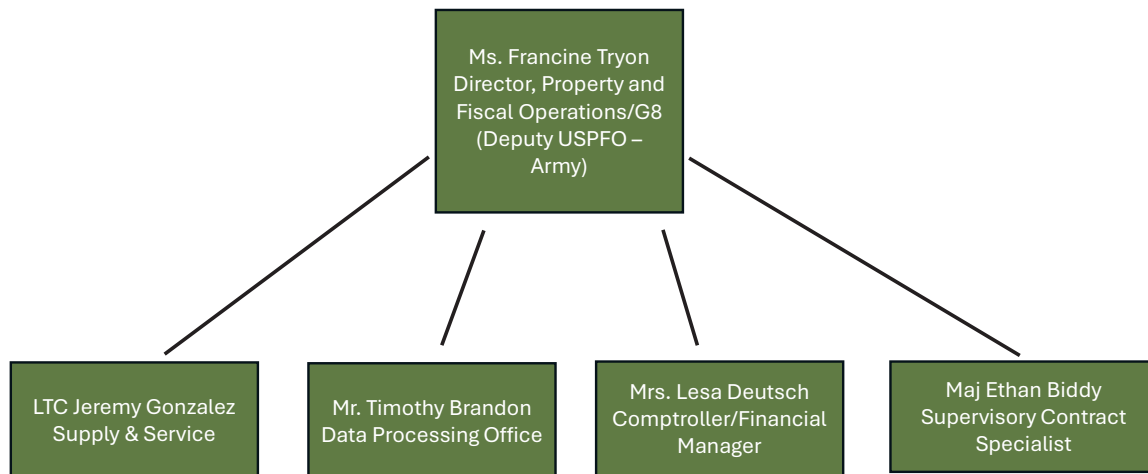


USPFO Structure





USPFO Army Structure



What is My Current Status?

What status am I in?



Title 32

Section 108

Forfeiture of
Federal Funds

Section 110

Regulations

Section 112

Drug interdiction and
Counter-drug
Activities

Section 114

Funeral
Honors

Section 304 & 312

Appointment
Oath

Section 502

Inactive Duty
Training

Section 503

Participation in
Field Exercises

Section 508

Assistance for certain
youth and
charitable organizations &
FMR 7000.19 Volume 11a

Section 509

National Guard Youth
Challenge Program of
opportunities for civilian
youth

Section 708

Property and
fiscal officers

Section 710

Accountability for
Property issued to
the National Guard



ARNG Appropriation (NGPA)

2060 (NGPA) – National Guard Personnel, Army:

- Pay
- Allowances
- Clothing
- Subsistence
- Travel



ARNG Appropriation (OMNG)

2065 (OMNG) - Operation and Maintenance, Army National Guard

- Classes II, III, IV, Secondary Stock funded Class VII, Class VIII and Class IX
 - Class II
 - Soldier Support Items for IDT and AT
 - Classes III, IX
 - Maintenance and Equipment
- Contracted Transportation
- Contracted Lodging



Anti-Deficiency Act

- **Purpose:** Express Authority (statutory, regulatory) or General Authority
 - 3 Part Purpose Test
 - 1.The expenditure of an appropriation must be for a particular statutory purpose, or necessary and incident to the proper execution of the general purpose of the appropriation.
 - 2.The expenditure must not be prohibited by law.
 - 3.The expenditure must not be otherwise provided for; it must not fall within the scope of some other appropriation.
- **Time:** BFN + lead time + current funds for current needs, Severable/Non-Severable + Full Funding Policy
- **Amount:** ADA, Augmentation, Miscellaneous Receipts
- State receive an Informal sub-allocation of funds
- Take Away Analysis
 - Who's Paying v. Who's Benefitting?



Fiscal Law



We've always done it this way

'They' did it **or** 'They' have one

G3/G4/G6 at NGB said it was ok

Commonsense

We don't have that type of money

Just trying to lean forward

Just trying to take care of Soldiers

We'll save a ton of money

It doesn't say I can't buy it

If we don't spend it now, we won't get it next year



State Active Duty | Title 44

- Personnel
- MRE's
- Supplies
- Fuel (Ground v Aviation)
- Equipment
- Parts
- Transportation
- Lodging
- Immediate Response Authority (IRA)
 - NGB DTM 1302.00 expired 6 June 2024
- Defense Support of Civil Authorities (DSCA)
- Re-imbursement



Think Classes of Supplies



Important USPFO Items of note

1. Comptroller
 - a. UCPMR and DA 1379
 - b. DTS - NDEA
 - c. Meal Collections
 - d. Waiving Military Pay (Points Only)
2. S&S Branch
 - a. MMB - Soldier Clothing (OCP's and AGSU's)
 - b. MMB – Voyager Tactical Fuel Cards
 - c. CIF - Soldier Equipping and Asset Management (SEAM)
 - d. CTO - Public Law 105-264, All Government Employees will possess an IBA
3. Purchasing & Contracting
 - a. Government Purchase Card (GPC)



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Retirement Points Only Discussion Paper

VA Disabilities are based on percent and not rank. Let's make some assumption:

1. Soldier is married and has 2 children all under 18 years of age
2. Soldier has no more than a 70% disability (We could assume higher percentages, but more than likely the result will be similar).
3. Soldiers rank is SPC (In our current problem set we have an E-5, E-6 and an O-2)
 - a. VA calculates based on daily rate: Assumptions applied above; Soldier receives \$1586.71 per month OR \$52.89 per day
 - b. SPC Assumption makes \$81.72 per day for IDT and AT.
 - c. BAH for AT = \$387
 - d. BAS after collection action during AT = \$47
4. Entitled pay is 48 UTA's and 15 days AT for a total of 63 days.
5. Military Basic Pay of 63 days = \$5,148
6. Entitlements = \$434 + round trip mileage
7. Total pay and benefits for 63 days of National Guard duty = \$5,582
8. 11% tax on pay = \$566
8. VA will offset 63 days of duty at \$52.89/day OR \$3,332
9. **Difference in Soldiers pocket is \$1,684 for the year**

Legal Assessment: I am not a JAG so this is simply the Comptroller's opinion

1. 37 U.S. Code § 204 - Entitlement

(a) The following persons are **ENTITLED TO THE BASIC PAY OF THE PAY GRADE** to which assigned or distributed, in accordance with their years of service computed under section 205 of this title—

(1) a member of a uniformed service who is on active duty; **and**

(2) a member of a uniformed service, or a member of the National Guard who is not a Reserve of the Army or the Air Force, who is participating in full-time training, training duty with pay, or other full-time duty, provided by law, including participation in exercises or the performance of duty under section 10302, 10305, 10502, or 12402 of title 10, or section 503, 504, 505, or 506 of title 32.

- When the law uses the word **ENTITLED**, they use it in a way that means the government **WILL PAY** these benefits.

2. DoDI 1215.06 allows for; Service members to **voluntarily** perform special **additional** duties as IDT for retirement points only. This duty may be performed in connection with prescribed training or maintenance activities of the units to which they are assigned.

- The monthly muster during IDT and the AT order (Group or individual) does not meet the definition of voluntary in the DoDI.

- NGR 680-2-19 does indicate that IDT can be performed in a paid or non-pay status, but keep in mind RMP's (D91's) or AFTP (D31) is still IDT and can be performed in a voluntary status and provided a Retirement Point for no less than 4 hours of duty per the DoDI 1215.06. When the unit performs their "Drill" they are paid with Type Duty Code of D11 and unit members are ordered to muster regardless of VA disability payment.

3. Situations where drilling or doing AT/ADT for points only that will benefit the Soldier will be very rare; the MATH just does not add up and I have legal concerns with not paying Soldiers all they are ENTITLED to receive for their duty.

4. The single most glaring commonality in each of these Soldier's cases is that they have just begun receiving their VA Benefits between three and six months. VA Form 21-8951-2 runs on a FISCAL year basis and not a calendar/tax year. Therefore, none of the Soldiers in question have had to complete this process yet. WE NEED TO EDUCATE THEM.

5. I know we are all proud American's, but I will bet when they put pen to paper and receive a clear explanation, they will chose to receive their Military Pay and waive their VA disability for the days in question.

6. If there is additional documents or evidence please provide for review and additional analysis. I have instructed SFC Skinner and Military Pay to process pay for each of these Soldiers. **Please note: The USPFO, COL Arnold, responsibilities include arbitrating situations where disagreements continue.**

TITLE 32—NATIONAL GUARD

This title was enacted by act Aug. 10, 1956, ch. 1041, § 2, 70A Stat. 596

Chap.		Sec.
1.	Organization	101
3.	Personnel	301
5.	Training	501
7.	Service, Supply, and Procurement	701
9.	Homeland Defense Activities	901

Editorial Notes

AMENDMENTS

2004—Pub. L. 108–375, div. A, title V, §512(a)(2), Oct. 28, 2004, 118 Stat. 1880, added item for chapter 9.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF
FORMER TITLE 32

<i>Title 32 Former Sections</i>	<i>Title 32 New Sections</i>
1	T. 10 §311
2	101; T. 10 §101
3	T. 10 §312
4	305, 313
4a	Rep.
4b	101; T. 10 §101
4c (1st 33 words)	101; T. 10 §101
4c (less 1st 33 words)	Rep.
5, 6	104
7	Rep.
8	104
9	103
10 (proviso)	104
10 (less proviso)	T. 10 §§3542, 8542
11–14	314
15	105
16	104
17	110
18–20	Rep.
21	106
22	107
23	Rep.
24	108
25	Rep.
26	Elim.
31	701
32	Rep.
33	702
34	Rep.
35	702
36	Rep.
37	Elim.
38	Rep.
39, 39a	703
40	Rep.
42, 42a	709
43	Rep.
44	Elim.
45	712
46	711
47	710
47–1, 47a	Elim.
47b, 48	Rep.
49, 50	708
51	Elim.
61	501
62	502
63	503
64	504
65	505
66, 67	506
68, 69	315
70	Rep.
71	507
72	317
73	Rep.
74	707
75	Rep. See T. 5 §§502, 3551, 5534, 6323(a), (b)
76	Rep. See T. 5 §6323(a), (b)
81	Rep.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF
FORMER TITLE 32—Continued

<i>Title 32 Former Sections</i>	<i>Title 32 New Sections</i>
81a	T. 10 §§3500, 8500
81b	T. 10 §§3501, 8501
81c	Rep.
82	T. 10 §§3499, 8499
83	T. 10 §§3502, 8502
84	Rep.
85, 86	Elim.
91	326
92	327
93	328
94	329
95	330
96	331
97	332, 333
111	305, 307
112	312
113	307
113a	Rep.
114	324
115	323; T. 10 §§3820, 8820
121, 122	Rep.
123	304
124	302
125	322
131	Rep.
132, 133	303
134	Rep.
141, 142	Elim.
142a–143a	Rep.
144–148	Rep.
149–152	Elim.
153	Rep.
154 (last proviso of 2d par.)	710
154 (2d par., less last proviso)	T. 31 §698a
154 (last par.)	303, 322, 323
154 (less 2d and last pars.)	Rep. See T. 37 §§206(a), (b), 402(b)
155	Rep.
156	705; T. 10 §§4621, 9621
157	Rep.
158	503
159, 160	Rep.
160a	318, 321; T. 10 §§3687, 3688, 3721, 8687, 8688, 8721
160b	3687 nt.
160c–164	Rep.
164a, 164b	319
164c	Rep.
164d	320; T. 10 §§3723, 8723
164e	Rep.
171	Rep.
172, 173	T. 10 §3015
174	T. 10 §§3541, 8541
175	T. 10 §§3496, 8496
176	T. 31 §698
181	T. 10 §4308
181a	T. 10 §4312
181b	T. 10 §§4312, 4313
181c	T. 10 §4308
181d, 181e	Elim.
182	T. 10 §4307
183	316; T. 10 §4310
184	T. 10 §4310
185	Rep.
186	T. 10 §4309
191	Rep.
192, 193	104 nt.
194(b)	109. Rep. in part.
194 (less (b))	109
195	Rep.
196	713

Statutory Notes and Related Subsidiaries

POSITIVE LAW; CITATION

This title has been made positive law by section 2 of act Aug. 10, 1956, ch. 1041, 70A Stat. 596, which provided

in part that: “Title 32 of the United States Code, entitled ‘National Guard’, is revised, codified, and enacted into law, and may be cited as ‘Title 32, United States Code, § —.’”

REPEALS

Act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, repealed the sections or parts of sections of the Revised Statutes or Statutes at Large covering provisions codified in this act, “except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this act [Aug. 10, 1956] and except as provided in section 49”.

SAVINGS AND SEVERABILITY PROVISIONS

Act Aug. 10, 1956, ch. 1041, § 49, 70A Stat. 640, provided that:

“(a) In sections 1–48 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act. However, laws effective after March 31, 1955, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

“(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1–48.

“(c) Actions taken and offenses committed under the replaced law shall be considered to have been taken or committed under the corresponding provisions of sections 1–48.

“(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

“(e) In chapter 47 of title 10, United States Code, enacted by section 1 of this Act, no inference of a legislative construction is to be drawn from the part in which any article is placed nor from the catchlines of the part or the article as set out in that chapter.

“(f) The enactment of this Act does not increase or decrease the pay or allowances, including retired pay and retainer pay, of any person.

“(g) The enactment of this Act does not affect the status of persons who, on the effective date of this Act, have the status of warrant officer, of the Army Mine Planter Service.”

RESTATEMENT OF SUSPENDED OR TEMPORARILY SUPERSEDED PROVISIONS

Act Aug. 10, 1956, ch. 1041, § 50, 70A Stat. 640, provided that: “If on the effective date of this Act a provision of law that is restated in this Act and repealed by section 53 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status.”

IMPROVEMENT OF UNITED STATES CODE BY PUB. L. 85-861; LEGISLATIVE PURPOSE; REPEAL OF INCONSISTENT PROVISIONS; CORRESPONDING PROVISIONS; SAVINGS AND SEVERABILITY PROVISIONS; STATUS; REPEALS

Pub. L. 85-861, § 34, Sept. 2, 1958, 72 Stat. 1568, provided that:

“(a) In sections 1–32 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act. However, laws effective after December 31, 1957, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

“(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1–32.

“(c) Actions taken under the replaced law shall be considered to have been taken under the corresponding provisions of sections 1–32.

“(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in ef-

fect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

“(e) The enactment of this Act does not increase or decrease the pay or allowances, including retired and retainer pay, of any person.”

Pub. L. 85-861, § 35, Sept. 2, 1958, 72 Stat. 1568, provided that: “If on the effective date of this Act [Sept. 2, 1958] a provision of law that is restated in this Act and repealed by section 36 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status.”

Pub. L. 85-861, § 36, Sept. 2, 1958, 72 Stat. 1568, repealed certain laws except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before Sept. 2, 1958.

CHAPTER 1—ORGANIZATION

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Editorial Notes

AMENDMENTS

1999—Pub. L. 106-65, div. A, title V, § 578(k)(3)(B), Oct. 5, 1999, 113 Stat. 631, added items 114 and 115 and struck out former item 114 “Honor guard functions at funerals for veterans”.

1997—Pub. L. 105-85, div. A, title III, § 386(b), title V, § 517(b), Nov. 18, 1997, 111 Stat. 1713, 1734, added items 113 and 114.

1989—Pub. L. 101-189, div. A, title XII, § 1207(a)(2), Nov. 29, 1989, 103 Stat. 1566, added item 112.

1971—Pub. L. 92-119, § 1(b), Aug. 13, 1971, 85 Stat. 340, substituted “Availability” for “Apportionment” in item 107.

1958—Pub. L. 85-861, § 2(4), Sept. 2, 1958, 72 Stat. 1543, added item 111.

§ 101. Definitions

In addition to the definitions in sections 1–5 of title 1, the following definitions apply in this title:

(1) For purposes of other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, the term “Territory” includes Guam and the Virgin Islands.

(2) “Armed forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(3) “National Guard” means the Army National Guard and the Air National Guard.

(4) “Army National Guard” means that part of the organized militia of the several States

and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is a land force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(5) “Army National Guard of the United States” means the reserve component of the Army all of whose members are members of the Army National Guard.

(6) “Air National Guard” means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

(A) is an air force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized.

(7) “Air National Guard of the United States” means the reserve component of the Air Force all of whose members are members of the Air National Guard.

(8) “Officer” means commissioned or warrant officer.

(9) “Enlisted member” means a person enlisted in, or inducted, called, or conscripted into, an armed force in an enlisted grade.

(10) “Grade” means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(11) “Rank” means the order of precedence among members of the armed forces.

(12) “Active duty” means full-time duty in the active military service of the United States. It includes such Federal duty as full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. It does not include full-time National Guard duty.

(13) “Supplies” includes material, equipment, and stores of all kinds.

(14) “Shall” is used in an imperative sense.

(15) “May” is used in a permissive sense. The words “no person may * * *” mean that no person is required, authorized, or permitted to do the act prescribed.

(16) “Includes” means “includes but is not limited to”.

(17) “Pay” includes basic pay, special pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

(18) “Spouse” means husband or wife, as the case may be.

(19) “Full-time National Guard duty” means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member’s status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Co-

lumbia under section 316, 502, 503, 504, or 505 of this title for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 596; Pub. L. 85-861, §2(1), Sept. 2, 1958, 72 Stat. 1542; Pub. L. 86-70, §27, June 25, 1959, 73 Stat. 148; Pub. L. 86-624, §22, July 12, 1960, 74 Stat. 417; Pub. L. 92-492, §2(a), Oct. 13, 1972, 86 Stat. 810; Pub. L. 96-513, title V, §507(a), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 96-600, §3(a), Dec. 24, 1980, 94 Stat. 3493; Pub. L. 98-525, title IV, §414(b)(1), Oct. 19, 1984, 98 Stat. 2519; 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)(1), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES 1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101(1)	32:4c (1st 33 words).	June 3, 1916, ch. 134, §62
101(2)	[No source].	(1st 36 words of last proviso), 39 Stat. 198.
101(3)	32:2.	
	32:4b.	
101(4)	50:1112(a) (for definition purposes).	June 3, 1916, ch. 134, §117, 39 Stat. 212.
101(5)	10:1835 (less last 16 words).	June 3, 1916, ch. 134, §71; added June 15, 1933, ch. 87, §9, 48 Stat. 157; Oct. 12, 1949, ch. 681, §530, 63 Stat. 837; July 9, 1952, ch. 608, §803 (9th par.), 66 Stat. 505.
101(6)	32:2.	July 9, 1952, ch. 608, §702
	32:4b.	(for definition purposes), 66 Stat. 501.
	50:1112(b) (for definition purposes).	Sept. 19, 1951, ch. 407, §305 (less last 16 words), 65 Stat. 330.
101(7)	[No source].	
101(8)	[No source].	
101(9)	[No source].	
101(10)	[No source].	
101(11)	[No source].	
101(12)	[No source].	
101(13)	[No source].	
101(14)	[No source].	
101(15)	[No source].	
101(16)	[No source].	

The definitions in clauses (2) and (9)–(17) reflect the adoption of terminology which, though undefined in the source statutes restated in this title, represent the closest practicable approximation of the ways in which the terms defined have been most commonly used. Where established uses conflict, a choice has been made.

In clause (1), the definition of “Territory” in 32:4c is executed throughout this revised title by specific reference, where applicable, to the Territories, Puerto Rico, and the Canal Zone.

In clause (2), a definition of “National Guard” is inserted for clarity.

In clause (3)(A), the words “a land force” are substituted for 32:2. The National Defense Act of 1916, §117 (last 66 words), 39 Stat. 212, is not contained in 32:2. It is also omitted from the revised section as repealed by the act of February 28, 1925, ch. 374, §3, 43 Stat. 1081.

In clauses (3) and (4), the word “Army” is inserted to distinguish the organizations defined from their Air Force counterparts.

In clauses (3) and (5), the words “unless the context or subject matter otherwise requires—” and “as provided in this title”, in 32:4b, are omitted as surplusage.

In clauses (3)(B) and (5)(B), the words “has its officers appointed” are substituted for the word “officered”, in 32:4b.

In clauses (4) and (6), only that much of the description of the composition of the Army National Guard of the United States and the Air National Guard of the United States is used as is necessary to distinguish these reserve components, respectively, from the other reserve components.

In clause (5)(A), the words “an air force” are substituted for the words “for which Federal responsibility has been vested in the Secretary of the Air Force or the Department of the Air Force pursuant to law”, in

10:1835, and for 32:2 (less applicability to Army National Guard), to make the definition of “Air National Guard” parallel with the definition of “Army National Guard”, and to make explicit the intent of Congress in creating the Air National Guard, that the organized militia henceforth should consist of three mutually exhaustive classes comprising the Army, Air, and Naval militia.

In clause (8), words showing how enlisted members became such are inserted to make clear that enlistment is not the only method of becoming a member in an enlisted grade.

1958 ACT

<i>Section of title 32</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101(2)	[No source].	[No source].
101(18)	[No source].	[No source].

In clause (2), the term “armed forces” is defined for legislative convenience and is defined the same as that term is defined in section 101(4) of title 10, United States Code.

The definition in clause (18) reflects the adoption of terminology which, though undefined in the source statutes restated in this title, represents the closest practicable approximation of the ways in which the term has been commonly used.

Editorial Notes

AMENDMENTS

2006—Cl. (1). Pub. L. 109-163 amended cl. (1) generally. Prior to amendment, cl. (1) read as follows: “‘Territory’ means any Territory organized after this title is enacted, so long as it remains a Territory. However, for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, ‘Territory’ includes Guam and the Virgin Islands.”

1988—Cls. (4), (6). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico.”

1984—Cl. (12). Pub. L. 98-525, § 414(b)(1)(A), inserted at end “It does not include full-time National Guard duty.”

Cl. (19). Pub. L. 98-525, § 414(b)(1)(B), added cl. (19).

1980—Cl. (1). Pub. L. 96-600 inserted reference to Guam.

Cl. (12). Pub. L. 96-513 struck out “duty on the active list,” after “Federal duty as”.

1972—Cl. (1). Pub. L. 92-492 inserted provision including within term “Territory” for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, the Virgin Islands.

1960—Cl. (1). Pub. L. 86-624 struck out reference to Hawaii.

1959—Cl. (1). Pub. L. 86-70 struck out reference to Alaska.

1958—Cls. (2) to (18). Pub. L. 85-861 added cls. (2) and (18) and renumbered former cls. (2) to (16) as (3) to (17), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701(a) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Secu-

rity, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

OFFICIAL DESIGNATION OF SALEM, MASSACHUSETTS, AS BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES

Pub. L. 112-241, § 1, Jan. 10, 2013, 126 Stat. 2372, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) In 1629, Captain John Endicott organized the first militia in the Massachusetts Bay Colony in Salem.

“(2) The colonists had adopted the English militia system, which required all males between the ages of 16 and 60 to possess arms and participate in the defense of the community.

“(3) In 1636, the Massachusetts General Court ordered the organization of three militia regiments, designated as the North, South, and East regiments.

“(4) These regiments drilled once a week and provided guard details each evening to sound the alarm in case of attack.

“(5) The East Regiment, the predecessor of the 101st Engineer Battalion, assembled as a regiment for the first time in 1637 on the Salem Common, marking the beginning of the Massachusetts National Guard and the National Guard of the United States.

“(6) Since 1785, Salem’s own Second Corps of Cadets (101st and 102nd Field Artillery) has celebrated the anniversary of that first muster.

“(7) As the policy contained in section 102 of title 32, United States Code, clearly expresses, the National Guard continues its historic mission of providing units for the first line defense of the United States and current missions throughout the world.

“(8) The designation of the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States will contribute positively to tourism and economic development in the city, create jobs, and instill pride in both the local and State communities.

“(b) DESIGNATION OF SALEM, MASSACHUSETTS, AS NATIONAL GUARD BIRTHPLACE.—In light of the findings made in subsection (a), the City of Salem, Massachusetts, is hereby designated as the Birthplace of the National Guard of the United States.

“(c) RESPONSIBILITIES.—

“(1) MILITARY CEREMONIAL SUPPORT.—The Chief of the National Guard Bureau, in conjunction with the Secretary of the Army, the Secretary of the Air Force, the Council of Governors, and the Adjutant General of the State of Massachusetts, shall provide military ceremonial support at the dedication of any monument, plaque, or other form of official recognition placed in Salem, Massachusetts, celebrating the designation of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

“(2) FUNDING SOURCE.—Federal funds may not be used to design, procure, prepare, install, or maintain any monument, plaque, or other form of official recognition placed in Salem, Massachusetts, celebrating the designation of Salem, Massachusetts, as the Birthplace of the National Guard of the United States, but the Adjutant General of the State of Massachusetts may accept and expend contributions of non-Federal funds for this purpose.”

§ 102. General policy

In accordance with the traditional military policy of the United States, it is essential that the strength and organization of the Army National Guard and the Air National Guard as an integral part of the first line defenses of the United States be maintained and assured at all times. Whenever Congress determines that more units and organizations are needed for the na-

tional security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with such units of other reserve components as are necessary for a balanced force, shall be ordered to active Federal duty and retained as long as so needed.

(Aug. 10, 1956, ch. 1041, 70A Stat. 597.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102	50:921(b).	July 9, 1952, ch. 608, § 201(b), 66 Stat. 482.

The words “The Congress further declares * * * as expressed in the National Defense Act of 1916 as amended” and “It is the intent of Congress that” are omitted as surplusage. The words “United States” are substituted for the words “our” and “this Nation”. The words “more * * * than are in” are substituted for the words “in excess of those”. The words “Federal duty” are substituted for the words “military service of the United States”. The words “as long as so needed” are substituted for the words “so long as such necessity exists”.

§ 103. Branches and organizations

The Army National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands includes such members of the staff corps corresponding to the staff corps of the Army as the Secretary of the Army may authorize.

(Aug. 10, 1956, ch. 1041, 70A Stat. 597; 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103	32:9.	July 9, 1918, ch. 143 (proviso of 13th par. under “National Guard”), 40 Stat. 875.

The word “members” is substituted for the words “officers and enlisted men”. The word “Regular” is omitted, since the organization is now prescribed for the Army, and the Regular Army is only a personnel category.

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,”.

§ 104. Units: location; organization; command

(a) Each State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands may fix the location of the units and headquarters of its National Guard.

(b) Except as otherwise specifically provided in this title, the organization of the Army National Guard and the composition of its units

shall be the same as those prescribed for the Army, subject, in time of peace, to such general exceptions as the Secretary of the Army may authorize; and the organization of the Air National Guard and the composition of its units shall be the same as those prescribed for the Air Force, subject, in time of peace, to such general exceptions as the Secretary of the Air Force may authorize.

(c) To secure a force the units of which when combined will form complete higher tactical units, the President may designate the units of the National Guard, by branch of the Army or organization of the Air Force, to be maintained in each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands. However, no change in the branch, organization, or allotment of a unit located entirely within a State may be made without the approval of its governor.

(d) To maintain appropriate organization and to assist in training and instruction, the President may assign the National Guard to divisions, wings, and other tactical units, and may detail commissioned officers of the National Guard or of the Regular Army or the Regular Air Force, as the case may be, to command those units. However, the commanding officer of a unit organized wholly within a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands may not be displaced under this subsection.

(e) To insure prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail a commissioned officer of the Regular Army to perform the duties of chief of staff for each fully organized division of the Army National Guard, and a commissioned officer of the Regular Air Force to perform the duties of the corresponding position for each fully organized wing of the Air National Guard.

(f) Unless the President consents—

(1) an organization of the National Guard whose members have received compensation from the United States as members of the National Guard may not be disbanded; and

(2) the actual strength of such an organization in commissioned officers or enlisted members may not be reduced below the minimum strength prescribed by the President.

(Aug. 10, 1956, ch. 1041, 70A Stat. 598; Pub. L. 100-456, div. A, title XII, § 1234(b)(1), (2), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title X, § 1057(b)(2)–(4), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104(a)	32:6.	June 3, 1916, ch. 134, §§ 64, 65 (proviso), 68, 39 Stat. 198-200.
104(b)	32:5 (1st sentence).	
104(c)	32:5 (less 1st sentence).	
104(d)	32:8.	June 3, 1916, ch. 134, § 60;
104(e)	32:10 (proviso).	June 4, 1920, ch. 227 subch. I, § 36; restated June 15, 1933, ch. 87, § 6, 48 Stat. 156.
104(f)	32:16.	

In subsection (a), the words “within their respective borders” are omitted as surplusage.

In subsection (b), the word “Army” is substituted for the words “Regular Army”, since the Army is the category for which the organization is prescribed, and the

Regular Army is a personnel category for which no organization is prescribed. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

In subsection (c), the words “by branch of the Army or organization of the Air Force” are substituted for the words “as to branch or arm of service”. The words “branch, organization, or allotment of a unit” are substituted for the words “allotment, branch, or arm of units or organizations”.

In subsections (d) and (e) the word “commissioned” is inserted, since 32:8 and 10 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

In subsection (d), the word “brigades” is omitted as surplusage.

In subsection (e), the word “tactical” is omitted as surplusage.

In subsection (f), the words “have received compensation from the United States as members of the National Guard” are substituted for the words “shall be entitled to and shall have received compensation under the provisions of this title”. The words “actual strength * * * in commissioned officers or enlisted members” are substituted for the words “commissioned or enlisted strength”.

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163, §1057(b)(4), substituted “State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands” for “State or Territory and Puerto Rico”.

Subsec. (c). Pub. L. 109-163, §1057(b)(2), 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”.

Subsec. (d). Pub. L. 109-163, §1057(b)(3), 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—Subsec. (a). Pub. L. 100-456, §1234(b)(2), substituted “Each State or Territory and Puerto Rico” for “Each State and Territory, Puerto Rico, and the Canal Zone”.

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

Statutory Notes and Related Subsidiaries

COUNCIL OF GOVERNORS

Pub. L. 110-181, div. A, title XVIII, §1822, Jan. 28, 2008, 122 Stat. 500, provided that: “The President shall establish a bipartisan Council of Governors to advise the Secretary of Defense, the Secretary of Homeland Security, and the White House Homeland Security Council on matters related to the National Guard and civil support missions.”

COMPTROLLER GENERAL ASSESSMENTS OF NATIONAL GUARD MANAGEMENT

Pub. L. 107-314, div. A, title V, §511(a), Dec. 2, 2002, 116 Stat. 2536, provided that: “Not later than one year after the date of the enactment of this Act [Dec. 2, 2002], the Comptroller General shall submit to Congress a report on management of the National Guard. The report shall include the following:

“(1) The Comptroller General’s assessment of the effectiveness of the implementation of Department of Defense plans for improving management and accounting for personnel strengths in the National Guard, including an assessment of the process that the Department of Defense, the National Guard Bureau, the Army National Guard and State-level National Guard leadership, and leadership in the other reserve components have for identifying and addressing in a timely manner specific units in which non-

participation rates are significantly in excess of the established norms.

“(2) The Comptroller General’s assessment of the effectiveness of the process for Federal recognition of senior National Guard officers and recommendations for improvement to that process.

“(3) The Comptroller General’s assessment of the process for, and the nature and extent of, the administrative or judicial corrective action taken by the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force as a result of Inspector General investigations or other investigations in which allegations against senior National Guard officers are substantiated in whole or in part.

“(4) The Comptroller General’s determination of the effectiveness of the Federal protections provided for members or employees of the National Guard who report allegations of waste, fraud, abuse, or mismanagement and the nature and extent to which corrective action is taken against those in the National Guard who retaliate against such members or employees.”

STUDY OF STATE AND FEDERAL MISSIONS OF NATIONAL GUARD

Pub. L. 103-160, div. A, title V, §522, Nov. 30, 1993, 107 Stat. 1655, directed Secretary of Defense to provide for a study of State and Federal missions of National Guard to be carried out by a federally funded research and development center, including consideration of both separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions, required an interim report not later than May 1, 1994, and a final report not later than Nov. 15, 1994, directed Secretary to submit each report to Congress, not later than 15 days after the date on which it is received by the Secretary, and directed Secretary, together with Secretary of the Army and Secretary of the Air Force, to conduct evaluation of assumptions, analysis, findings, and recommendations of the study and, not later than Feb. 1, 1995, to submit to Congress a report on the evaluation.

RETENTION OF ANCIENT PRIVILEGES AND ORGANIZATION

Act Aug. 10, 1956, ch. 1041, §32, 70A Stat. 633, provided that:

“(a) Any corps of artillery, cavalry, or infantry existing in any of the States on the passage of the Act of May 8, 1792, which by the laws, customs, or usages of those States has been in continuous existence since the passage of that Act, shall be allowed to retain its ancient privileges, subject, nevertheless to all duties required by law of militia: *Provided*, That those organizations may be a part of the National Guard and entitled to all the privileges thereof, and shall conform in all respects to the organization, discipline, and training to the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving.

“(b) The First Corps Cadets, antedating, and continuously existing in the State of Massachusetts since, the Act of May 8, 1792, now designated as the 126th Tank Battalion, 26th Infantry Division, hereby declared to be a corps as defined in subsection (a) of this Act for all purposes thereof and now incorporated in the Organized Militia and a part of the National Guard of Massachusetts, shall be allowed to retain its ancient privileges and organization. The First Corps Cadets is hereby declared to be entitled to a lieutenant colonel in command and a major second in command; and those officers, when federally recognized, are entitled to the pay provided by law for their respective grades: *Provided*, That nothing in this section or other provisions of law shall be considered to be in derogation of any other ancient privileges to which the First Corps Cadets is enti-

tled under the laws, customs, or usages of the State of Massachusetts.”

Executive Documents

EX. ORD. NO. 13528. ESTABLISHMENT OF THE COUNCIL OF GOVERNORS

Ex. Ord. No. 13528, Jan. 11, 2010, 75 F.R. 2053, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1822 of the National Defense Authorization Act of [sic] 2008 (Public Law 110–181), and in order to strengthen further the partnership between the Federal Government and State governments to protect our Nation and its people and property, it is hereby ordered as follows:

SECTION 1. *Council of Governors.*

(a) There is established a Council of Governors (Council). The Council shall consist of 10 State Governors appointed by the President (Members), of whom no more than five shall be of the same political party. The term of service for each Member appointed to serve on the Council shall be 2 years, but a Member may be reappointed for additional terms.

(b) The President shall designate two Members, who shall not be members of the same political party, to serve as Co-Chairs of the Council.

SEC. 2. *Functions.* The Council shall meet at the call of the Secretary of Defense or the Co-Chairs of the Council to exchange views, information, or advice with the Secretary of Defense; the Secretary of Homeland Security; the Assistant to the President for Homeland Security and Counterterrorism; the Assistant to the President for Intergovernmental Affairs and Public Engagement; the Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs; the Commander, United States Northern Command; the Chief, National Guard Bureau; the Commandant of the Coast Guard; and other appropriate officials of the Department of Homeland Security and the Department of Defense, and appropriate officials of other executive departments or agencies as may be designated by the Secretary of Defense or the Secretary of Homeland Security. Such views, information, or advice shall concern:

- (a) matters involving the National Guard of the various States;
- (b) homeland defense;
- (c) civil support;
- (d) synchronization and integration of State and Federal military activities in the United States; and
- (e) other matters of mutual interest pertaining to National Guard, homeland defense, and civil support activities.

SEC. 3. *Administration.*

(a) The Secretary of Defense shall designate an Executive Director to coordinate the work of the Council.

(b) Members shall serve without compensation for their work on the Council. However, Members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law.

(c) Upon the joint request of the Co-Chairs of the Council, the Secretary of Defense shall, to the extent permitted by law and subject to the availability of appropriations, provide the Council with administrative support, assignment or detail of personnel, and information as may be necessary for the performance of the Council’s functions.

(d) The Council may establish subcommittees of the Council. These subcommittees shall consist exclusively of Members of the Council and any designated employees of a Member with authority to act on the Member’s behalf, as appropriate to aid the Council in carrying out its functions under this order.

(e) The Council may establish a charter that is consistent with the terms of this order to refine further its purpose, scope, and objectives and to allocate duties, as appropriate, among members.

SEC. 4. *Definitions.* As used in this order:

(a) the term “State” has the meaning provided in paragraph (15) [now (17)] of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(15) [now 101(17)]); and

(b) the term “Governor” has the meaning provided in paragraph (5) of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(5)).

SEC. 5. *General Provisions.*

(a) Nothing in this order shall be construed to impair or otherwise affect:

(1) the authority granted by law to a department, agency, or the head thereof; or

(2) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 105. Inspection

(a) Under regulations prescribed by such Secretary, the Secretary of the Army and the Secretary of the Air Force shall each have an inspection made by inspectors general, or by any other commissioned officers of the Regular Army or the Regular Air Force detailed for that purpose, to determine whether—

(1) the amount and condition of property held by the Army National Guard or Air National Guard are satisfactory;

(2) the Army National Guard or Air National Guard is organized as provided in this title;

(3) the members of the Army National Guard or Air National Guard meet prescribed physical and other qualifications;

(4) the Army National Guard or Air National Guard and its organization are properly uniformed, armed, and equipped and are being trained and instructed for active duty in the field, or for coast defense;

(5) Army National Guard or Air National Guard records are being kept in accordance with this title;

(6) the accounts and records of each property and fiscal officer are properly maintained; and

(7) the units of the Army National Guard or Air National Guard meet requirements for deployment.

(b) The reports of inspections under subsection (a) are the basis for determining whether the National Guard is entitled to the issue of military property as authorized under this title and to retain that property; and for determining which organizations and persons constitute units and members of the National Guard; and for determining which units of the National Guard meet deployability standards.

(c) The Chief of the National Guard Bureau may have an inspection described in subsection

(a) made by inspectors general, or by commissioned officers of the Army National Guard of the United States or the Air National Guard of the United States detailed for that purpose, on behalf of the Secretary of the Army or the Secretary of the Air Force. Any such inspection may be made only with the approval of the Secretary of the Army or the Secretary of the Air Force, as applicable.

(Aug. 10, 1956, ch. 1041, 70A Stat. 598; Pub. L. 95–79, title VIII, §804(a), July 30, 1977, 91 Stat.

333; Pub. L. 102-484, div. A, title XI, §1122, Oct. 23, 1992, 106 Stat. 2540; Pub. L. 116-92, div. A, title V, §517, Dec. 20, 2019, 133 Stat. 1349.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
105(a)	32:15 (1st sentence).	June 3, 1916, ch. 134, §93,
105(b)	32:15 (less 1st sentence).	39 Stat. 206.

In subsection (a), the word “commissioned” is inserted, since 32:15 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

In subsection (a)(2), the words “provided in this title” are substituted for the words “hereinbefore prescribed”.

In subsection (a)(4), the words “the Army National Guard and its organizations” are substituted for the words “the organization and the officers and enlisted men thereof”. The word “uniformed” is omitted as covered by the word “equipped”.

In subsection (b), the words “under subsection (a)” are substituted for the word “such”. The words “units and members” are substituted for the word “parts”. The words “within the meaning of this title” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92, §517(a), in introductory provisions, substituted “by such Secretary, the Secretary of the Army and the Secretary of the Air Force shall each have” for “by him, the Secretary of the Army shall have” and “the Regular Army or the Regular Air Force” for “the Regular Army” and struck out “, if necessary,” after “inspectors general, or”; in pars. (1) to (5) and (7), substituted “Army National Guard or Air National Guard” for “Army National Guard”; and struck out concluding provisions which read as follows: “The Secretary of the Air Force has a similar duty with respect to the Air National Guard.”

Subsec. (c). Pub. L. 116-92, §517(b), added subsec. (c). 1992—Subsec. (a). Pub. L. 102-484, §1122(1), substituted “shall” for “may” in introductory provisions and added par. (7).

Subsec. (b). Pub. L. 102-484, §1122(2), inserted before period at end “; and for determining which units of the National Guard meet deployability standards”.

1977—Subsec. (a). Pub. L. 95-79 substituted “Under regulations prescribed by him, the Secretary of the Army may have an inspection made” for “The Secretary of the Army shall have an inspection made at least once a year” and added cl. (6).

§ 106. Annual appropriations

Sums will be appropriated annually, out of any money in the Treasury not otherwise appropriated, for the support of the Army National Guard and the Air National Guard, including the issue of arms, ordnance stores, quartermaster stores, camp equipage, and other military supplies, and for the payment of other expenses authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106	32:21.	June 3, 1916, ch. 134, §67 (1st par.), 39 Stat. 199.

The words “issue of” are substituted for the words “the expense of providing”. The words “for issue to the National Guard” and “pertaining to said guard as are or may be” are omitted as surplusage.

§ 107. Availability of appropriations

(a) Under such regulations as the Secretary concerned may prescribe, appropriations for the National Guard are available for—

(1) the necessary expenses of members of a regular or reserve component of the Army or the Air Force traveling on duty in connection with the National Guard;

(2) the necessary expenses of members of the Regular Army or the Regular Air Force on duty in the National Guard Bureau or with the Army Staff or the Air Staff, traveling to and from annual conventions of the Enlisted Association of the National Guard of the United States, the National Guard Association of the United States, or the Adjutants General Association;

(3) the transportation of supplies furnished to the National Guard as permanent equipment;

(4) the office rent and necessary office expenses of officers of a regular or reserve component of the Army or the Air Force on duty with the National Guard;

(5) the expenses of the National Guard Bureau, including clerical services;

(6) the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges;

(7) such incidental expenses of authorized encampments, maneuvers, and field instruction as the Secretary considers necessary; and

(8) other expenses of the National Guard authorized by law.

(b) The expenses of enlisted members of the Regular Army or the Regular Air Force on duty with the National Guard shall be paid from appropriations for the Army National Guard or the Air National Guard, as the case may be, but not from the allotment of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands. Payable expenses include allowances for subsistence and housing under sections 402 and 403 of title 37 and expenses for medicine and medical attendance.

(c) The pay and allowances for the Chief of the National Guard Bureau and officers of the Army National Guard of the United States or the Air National Guard of the United States called to active duty under section 12402 of title 10 shall be paid from appropriations for the pay of the Army National Guard or Air National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599; Pub. L. 90-83, §4, Sept. 11, 1967, 81 Stat. 220; Pub. L. 92-119, §1(a), Aug. 13, 1971, 85 Stat. 340; Pub. L. 97-258, §2(h), Sept. 13, 1982, 96 Stat. 1061; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 103-337, div. A, title XVI, §1676(a)(1), Oct. 5, 1994, 108 Stat. 3019; Pub. L. 105-85, div. A, title VI, §603(d)(4), Nov. 18, 1997, 111 Stat. 1783; Pub. L. 108-136, div. A, title V, §514(a), Nov. 24, 2003, 117 Stat. 1460; Pub. L. 109-163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107(a)	32:22 (less proviso).	June 3, 1916, ch. 134, § 67
107(b)	32:22 (proviso, less words between 5th and 7th semicolons).	(2d par.), 39 Stat. 199; Sept. 22, 1922, ch. 423, § 3, 42 Stat. 1034; Apr. 6, 1928, ch. 321, 45 Stat. 406.
107(c)	32:22 (words between 5th and 7th semicolons of proviso).	

In subsection (a), the words “strengths in enlisted members of the active” are substituted for the words “number of enlisted men in active service”. The words between the eighth and ninth semicolons of 32:22, relating to horses and draft animals, are omitted as obsolete, since no animals are now authorized for the National Guard. The words “under section 106 of this title” are inserted, since only appropriations under that revised section are required to be apportioned.

In subsection (b)(1) and (2), the words “actual and” are omitted as surplusage.

In subsection (b)(2), the words “Reserve Officers holding commission in the National Guard” are omitted as covered by the words “officers of a * * * reserve component of the Army or the Air Force”. The words “Army General Staff” are substituted for the words “War Department General Staff” to conform to section 3031(b) of title 10.

In subsection (c), the words “under sections 251 and 252 of title 37” are substituted for the words “provided in section 19 of title 37”, since allowances for subsistence and quarters are now covered by those sections. The words “shall be paid from appropriations for the National Guard, but not from the allotment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia” are substituted for the words “shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned for any particular State, Territory, or the District of Columbia”.

1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32:107(c) ..	31:698.	Aug. 10, 1956, ch. 1041, § 30, 70A Stat. 632.

The work “appropriations” is substituted for “funds appropriated” for consistency in the title.

Editorial Notes

AMENDMENTS

2006—Subsec. (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”.

2003—Subsec. (a)(2). Pub. L. 108-136 substituted “members” for “officers”, “Army Staff” for “Army General Staff”, and “the Enlisted Association of the National Guard of the United States, the National Guard Association of the United States,” for “the National Guard Association of the United States”.

1997—Subsec. (b). Pub. L. 105-85 substituted “and housing” for “and quarters”.

1994—Subsec. (c). Pub. L. 103-337 substituted “12402” for “3496 or 8496”.

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

1982—Subsec. (c). Pub. L. 97-258 added subsec. (c).

1971—Pub. L. 92-119, §1(a)(1), substituted “Availability” for “Apportionment” in section catchline.

Subsec. (a). Pub. L. 92-119, §1(a)(2), (3), (4), redesignated subsec. (b) as (a) and substituted “appropriation for the National Guard” for “apportioned appropriation”. Former subsec. (a), which provided for appor-

tionment of appropriations for Army National Guard and Air National Guard under prescribed formulas among States, territories, Puerto Rico, Canal Zone, District of Columbia, was struck out.

Subsecs. (b), (c). Pub. L. 92-119, §1(a)(4), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a) and amended.

1967—Subsec. (c). Pub. L. 90-83 substituted “402 and 403” for “251 and 252”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, §514(b), Nov. 24, 2003, 117 Stat. 1460, provided that: “The amendments made by subsection (a) [amending this section] shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2004.”

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

DEPARTMENT OF DEFENSE STATE PARTNERSHIP
PROGRAM

Pub. L. 113-66, div. A, title XII, §1205, Dec. 26, 2013, 127 Stat. 897, as amended by Pub. L. 114-92, div. A, title XII, §1203(a)-(e), (g)-(i), Nov. 25, 2015, 129 Stat. 1037-1039, related to the Department of Defense State Partnership Program, prior to repeal by Pub. L. 114-328, div. A, title XII, §1246(e), Dec. 23, 2016, 130 Stat. 2521. See section 341 of Title 10, Armed Forces.

LIMITATION ON ACTIVITIES UNDER STATE PARTNERSHIP
PROGRAM PENDING COMPLIANCE WITH CERTAIN PROGRAM-RELATED REQUIREMENTS

Pub. L. 112-239, div. A, title XII, §1204, Jan. 2, 2013, 126 Stat. 1982, provided that:

“(a) LIMITATION.—If both requirements specified in subsection (b) are not met as of February 28, 2013, no activities may be carried out under the State Partnership Program after that date until both requirements are met.

“(b) REQUIREMENTS.—The requirements specified in this subsection are the following:

“(1) The requirement for the Secretary of Defense to submit to the appropriate congressional committees the final regulations required by subsection (a) of [former] section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2517; 32 U.S.C. 107 note).

“(2) A requirement for the Secretary of Defense to certify to the appropriate congressional committees that appropriate modifications have been made, and appropriate controls have been instituted, to ensure the compliance of the Program with section 1341 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’), in the future.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ has the meaning given that term in subsection (d) of [former] section 1210 of the National Defense Authorization Act for Fiscal Year 2010.”

AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE
PARTNERSHIP PROGRAM

Pub. L. 111-84, div. A, title XII, §1210, Oct. 28, 2009, 123 Stat. 2517, which required the Secretary of Defense to prescribe regulations regarding appropriated funds for the State Partnership Program, submit the regulations

to defense and foreign relations committees, and report to the committees, was repealed by Pub. L. 113–66, div. A, title XII, § 1205(h), Dec. 26, 2013, 127 Stat. 899.

§ 108. Forfeiture of Federal benefits

If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600; Pub. L. 103–337, div. A, title IX, § 904(c), Oct. 5, 1994, 108 Stat. 2827.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
108	32:24.	June 3, 1916, ch. 134, § 116, 39 Stat. 212.

The words “does not comply” are substituted for the words “shall * * * have failed or refused to comply”. The words “a requirement of, or regulation prescribed under, this title” are substituted for the words “any requirement of this title, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of the Army”. The words “money or any other aid” are substituted for the words “pecuniary or other aid”. The words “or provided by this title or any other” are omitted as surplusage.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103–337 amended section generally. Prior to amendment, section read as follows: “If, within a time to be fixed by the President, a State does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred, wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103–337, set out as an Effective Date note under section 10501 of Title 10, Armed Forces.

§ 109. Maintenance of other troops

(a) In time of peace, a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands may maintain no troops other than those of its National Guard and defense forces authorized by subsection (c).

(b) Nothing in this title limits the right of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands to use its National Guard or its defense forces authorized by subsection (c) within its borders in time of peace, or prevents it from organizing and maintaining police or constabulary.

(c) In addition to its National Guard, if any, a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands may, as provided by its laws, organize and maintain defense forces. A defense force established under this section may be used within the

jurisdiction concerned, as its chief executive (or commanding general in the case of the District of Columbia) considers necessary, but it may not be called, ordered, or drafted into the armed forces.

(d) A member of a defense force established under subsection (c) is not, because of that membership, exempt from service in the armed forces, nor is he entitled to pay, allowances, subsistence, transportation, or medical care or treatment, from funds of the United States.

(e) A person may not become a member of a defense force established under subsection (c) if he is a member of a reserve component of the armed forces.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600; Pub. L. 85–861, § 2(2), Sept. 2, 1958, 72 Stat. 1542; 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; Pub. L. 111–383, div. A, title X, § 1075(h)(4)(B), Jan. 7, 2011, 124 Stat. 4377.)

HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
109(a)	32:194(a) (1st sentence). 32:194(c) (as applicable to 32:194(a) (1st sentence)).	June 3, 1916, ch. 134, § 61 (less (b)); restated Oct. 21, 1940, ch. 904 (less last 3 provisos); restated Aug. 18, 1941, ch. 363 (less last 3 provisos); restated Oct. 1, 1942, ch. 570 (less (b)); restated June 26, 1944, ch. 279 (less (b)); restated Sept. 27, 1950, ch. 1058 (less (b)), 64 Stat. 1072.
109(b)	32:194(a) (less 1st sentence). 32:194(c) (less applicability to 32:194(a) (1st sentence)).	

In subsection (a), the words “those of its National Guard” are substituted for the words “as authorized in accordance with the organization prescribed under this Act”.

In subsections (a) and (b), the provisions of 32:194(c) are exhausted by the enumeration of the jurisdictions named.

In subsection (b), the words “Nothing in this title limits” are substituted for the words “Nothing contained in this Act shall be construed to limit”.

1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
109(c)	32 App.:194(b) (less 4th and last sentences).	Aug. 11, 1955, ch. 802, 69 Stat. 686.
109(d)	32 App.:194(b) (4th sentence).	
109(e)	32 App.:194(b) (last sentence).	

In subsection (c), the words “heretofore authorized by this Act [sic]”, “as such”, and “in any manner” are omitted as surplusage.

In subsection (d), the words “under any Federal law” are omitted since only Federal law could require service in the armed forces. The word “military” is omitted as surplusage.

In subsection (e), the words “defense force” are substituted for the words “organized militia” for accuracy and to conform to subsection (c). The words “reserve component of the armed forces” are substituted for the words “Reserve Forces as defined in section 901 of Title 50”, since that term is not defined in the Armed Forces Reserve Act of 1952.

Editorial Notes**AMENDMENTS**

2011—Subsecs. (a) to (c). Pub. L. 111-383 amended directory language of Pub. L. 109-163, § 1057(b)(3). See 2006 Amendment note below.

2006—Subsecs. (a) to (c). Pub. L. 109-163, § 1057(b)(3), as amended by Pub. L. 111-383, substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia”.

1988—Subsecs. (a) to (c). Pub. L. 100-456 struck out “the Canal Zone,” after “Virgin Islands.”.

1958—Subsecs. (a), (b). Pub. L. 85-861, § 2(2)(A), substituted “defense forces authorized by subsection (c)” for “State defense forces”.

Subsecs. (c) to (e). Pub. L. 85-861, § 2(2)(B), added subsecs. (c) to (e).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2011 AMENDMENT**

Pub. L. 111-383, div. A, title X, § 1075(h), Jan. 7, 2011, 124 Stat. 4377, provided that the amendment made by section 1075(h)(4)(B) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109-163 as enacted.

§ 110. Regulations

The President shall prescribe regulations, and issue orders, necessary to organize, discipline, and govern the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 600.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
110	32:17.	June 3, 1916, ch. 134, § 118, 39 Stat. 213.

The word “rules” is omitted as covered by the word “regulations”. The words “National Guard” are substituted for the words “the militia provided for in this title”. The words “for the thorough” are omitted as surplusage.

§ 111. Suspension of certain provisions of this title

In time of war, or of emergency declared by Congress, the President may suspend the operation of any provision of sections 307(e), 309, 310, and 323(d) and (e)¹ of this title with respect to the Army National Guard or the Air National Guard.

(Added Pub. L. 85-861, § 2(3), Sept. 2, 1958, 72 Stat. 1543.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
111	50:1199 (as applicable to National Guard).	Sept. 3, 1954, ch. 1257, § 209 (as applicable to National Guard), 68 Stat. 1152.

Reference to the exception in section 307(a) is omitted as unnecessary because a suspension of section 307(e) of this title, or of section 8365 or 8366 of Title 10, will in effect suspend that exception so far as it refers to the suspended section. A reference to the remainder of section 307(a) is omitted as unnecessary because the general rule that it states exists independently of that

part of the source law for section 307(a) that is suspendible under this section. A reference to section 307(f) is omitted as unnecessary because a suspension of section 307(e) will in effect suspend section 307(f) so far as it applies to section 307(e). 50:1199 (2d sentence) is omitted as inapplicable to the National Guard.

Editorial Notes**REFERENCES IN TEXT**

Section 323(e) of this title, referred to in text, was repealed by Pub. L. 103-337, div. A, title XVI, § 1630(2), Oct. 5, 1994, 108 Stat. 2964.

Executive Documents**DELEGATION OF FUNCTIONS**

Functions of President under this section delegated to Secretary of Defense, see section 1(11) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 112. Drug interdiction and counter-drug activities

(a) **FUNDING ASSISTANCE.**—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c). Such funds shall be used for the following:

(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of drug interdiction and counter-drug activities.

(2) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.

(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities. However, the use of such funds for the procurement of equipment may not exceed \$5,000 per item, unless approval for procurement of equipment in excess of that amount is granted in advance by the Secretary of Defense.

(b) **USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.**—(1) Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.

(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities. The member is not entitled to addi-

¹ See References in Text note below.

tional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.

(C) To ensure that the use of units and personnel of the National Guard of a State pursuant to a State drug interdiction and counter-drug activities plan does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the drug interdiction and counter-drug activities that units and personnel of the National Guard of a State may perform:

(i) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

(ii) National Guard personnel will not degrade their military skills as a result of performing the activities.

(iii) The performance of the activities will not result in a significant increase in the cost of training.

(iv) In the case of drug interdiction and counter-drug activities performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

(3) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

(B) in the case of services, the performance of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.

(c) **PLAN REQUIREMENTS.**—A State drug interdiction and counter-drug activities plan shall—

(1) specify how personnel of the National Guard of that State are to be used in drug interdiction and counter-drug activities;

(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service;

(3) certify that participation by National Guard personnel in those operations is service in addition to training required under section 502 of this title;

(4) certify that any engineer-type activities (as defined by the Secretary of Defense) under the plan will be performed only by units and members of the National Guard;

(5) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

(6) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.

(d) **EXAMINATION OF PLAN.**—(1) Before funds are provided to the Governor of a State under this section and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b), the Secretary of Defense shall examine the adequacy of the plan submitted by the Governor under subsection (c). The plan as approved by the Secretary may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.

(2) Except as provided in paragraph (3), the Secretary shall carry out paragraph (1) in consultation with the Director of National Drug Control Policy.

(3) Paragraph (2) shall not apply if—

(A) the Governor of a State submits a plan under subsection (c) that is substantially the same as a plan submitted for that State for a previous fiscal year; and

(B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).

(e) **END STRENGTH LIMITATION.**—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty; or

(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.

(f) **ANNUAL REPORT.**—The Secretary of Defense shall submit to Congress an annual report re-

garding assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

(1) The number of members of the National Guard excluded under subsection (e)¹ from the computation of end strengths.

(2) A description of the drug interdiction and counter-drug activities conducted under State drug interdiction and counter-drug activities plans referred to in subsection (c) with funds provided under this section.

(3) An accounting of the amount of funds provided to each State.

(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform activities under the State drug interdiction and counter-drug activities plans.

(g) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

(h) **DEFINITIONS.**—For purposes of this section:

(1) The term “drug interdiction and counter-drug activities”, with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities, including drug demand reduction activities, authorized by the law of the State and requested by the Governor of the State.

(2) The term “Governor of a State” means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(3) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(Added Pub. L. 101-189, div. A, title XII, § 1207(a)(1), Nov. 29, 1989, 103 Stat. 1564; amended Pub. L. 102-25, title VII, § 703, Apr. 6, 1991, 105 Stat. 118; Pub. L. 102-396, title IX, § 9099A, Oct. 6, 1992, 106 Stat. 1926; Pub. L. 104-106, div. A, title X, § 1021, Feb. 10, 1996, 110 Stat. 426; Pub. L. 104-208, div. C, title VI, § 660, Sept. 30, 1996, 110 Stat. 3009-720; Pub. L. 105-85, div. A, title X, § 1031, Nov. 18, 1997, 111 Stat. 1880; Pub. L. 105-261, div. A, title X, § 1022, Oct. 17, 1998, 112 Stat. 2120; Pub. L. 106-65, div. A, title X, § 1021, Oct. 5, 1999, 113 Stat. 746; Pub. L. 108-375, div. A, title IV, § 416(k), Oct. 28, 2004, 118 Stat. 1869.)

Editorial Notes

REFERENCES IN TEXT

Subsection (e), referred to in subsec. (f)(1), was repealed and subsec. (f) was redesignated (e) by Pub. L. 108-375, div. A, title IV, § 416(k)(1), (2), Oct. 28, 2004, 118 Stat. 1869.

PRIOR PROVISIONS

Similar provisions were contained in Pub. L. 100-456, div. A, title XI, § 1105, Sept. 29, 1988, 102 Stat. 2047, which was set out as a note under section 374 of Title

10, Armed Forces, prior to repeal by Pub. L. 101-189, § 1207(b).

AMENDMENTS

2004—Subsec. (e). Pub. L. 108-375, § 416(k)(1), (2), redesignated subsec. (f) as (e) and struck out heading and text of former subsec. (e). Text read as follows: “Members of the National Guard on active duty or full-time National Guard duty for the purposes of administering (or during fiscal year 1993 otherwise implementing) this section shall not be counted toward the annual end strength authorized for reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 12011 and 12012 of title 10.”

Subsec. (e)(1)(A), (B). Pub. L. 108-375, § 416(k)(3), struck out “for a period of more than 180 days” after “order to duty”.

Subsecs. (f) to (i). Pub. L. 108-375, § 416(k)(2), redesignated subsecs. (g) to (i) as (f) to (h), respectively.

1999—Subsec. (a)(3). Pub. L. 106-65 substituted “per item” for “per purchase order” in second sentence.

1998—Subsec. (a). Pub. L. 105-261, § 1022(e)(1), substituted “for the following:” for “for—” in introductory provisions.

Subsec. (a)(1). Pub. L. 105-261, § 1022(e)(2), (3), substituted “The pay” for “the pay” and “activities,” for “activities;”.

Subsec. (a)(2). Pub. L. 105-261, § 1022(e)(2), (4), substituted “The operation” for “the operation” and “activities,” for “activities; and”.

Subsec. (a)(3). Pub. L. 105-261, § 1022(a), (e)(2), substituted “The procurement” for “the procurement” and “and equipment, and the leasing of equipment,” for “and leasing of equipment” and inserted at end “However, the use of such funds for the procurement of equipment may not exceed \$5,000 per purchase order, unless approval for procurement of equipment in excess of that amount is granted in advance by the Secretary of Defense.”

Subsec. (b)(2). Pub. L. 105-261, § 1022(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “To ensure that the use of units and personnel of the National Guard of a State pursuant to a State drug interdiction and counter-drug activities plan is not detrimental to the training and readiness of such units and personnel, the requirements of section 2012(d) of title 10 shall apply in determining the drug interdiction and counter-drug activities that units and personnel of the National Guard of a State may perform.”

Subsec. (b)(3). Pub. L. 105-261, § 1022(c), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “Section 508 of this title, regarding the provision of assistance to certain specified youth and charitable organizations, shall apply in any case in which a unit or member of the National Guard of a State is proposed to be used pursuant to a State drug interdiction and counter-drug activities plan to provide to an organization specified in subsection (d) of such section any of the services described in subsection (b) of such section or services regarding counter-drug education.”

Subsec. (i)(1). Pub. L. 105-261, § 1022(d), inserted “, including drug demand reduction activities,” after “drug interdiction and counter-drug law enforcement activities”.

1997—Subsec. (b). Pub. L. 105-85, § 1031(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (c)(4) to (6). Pub. L. 105-85, § 1031(b)(1), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

Subsec. (e). Pub. L. 105-85, § 1031(d), designated par. (1) as subsec. (e) and struck out par. (2) which read as follows: “The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual report specifying for the period covered by the report the number of members of the National Guard excluded under paragraph (1) from the computation of end strengths.”

¹ See References in Text note below.

Subsecs. (g) to (i). Pub. L. 105–85, § 1031(c), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

1996—Subsec. (a). Pub. L. 104–106, § 1021(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under subsection (b) sufficient funds for—

“(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State used for—

“(A) the purpose of drug interdiction and counter-drug activities; and

“(B) the operation and maintenance of the equipment and facilities of the National Guard of that State used for that purpose; and

“(2) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.”

Subsec. (b). Pub. L. 104–106, § 1021(e), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 104–106, § 1021(c), substituted “A State drug interdiction and counter-drug activities plan” for “A plan referred to in subsection (a)” in introductory provisions and “training” for “annual training” in par. (3) and added pars. (4) and (5).

Pub. L. 104–106, § 1021(b)(3), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104–106, § 1021(b)(3), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (g).

Subsec. (d)(1). Pub. L. 104–208 inserted at end “The plan as approved by the Secretary may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.”

Pub. L. 104–106, § 1021(d)(1), inserted “and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)” after “under this section” and substituted “under subsection (c)” for “under subsection (b)”.

Subsec. (d)(3)(A). Pub. L. 104–106, § 1021(d)(2)(A), substituted “subsection (c)” for “subsection (b)”.

Subsec. (d)(3)(B). Pub. L. 104–106, § 1021(d)(2)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: “funds were provided to the State pursuant to such plan.”

Subsec. (e)(1). Pub. L. 104–106, § 1021(h)(1), substituted “sections 12011 and 12012” for “sections 517 and 524”.

Subsec. (e)(2). Pub. L. 104–106, § 1021(h)(2), substituted “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “the Committees on Armed Services of the Senate and House of Representatives”.

Subsec. (f). Pub. L. 104–106, § 1021(f), added subsec. (f). Former subsec. (f) redesignated (h).

Subsec. (g). Pub. L. 104–106, § 1021(b)(2), redesignated subsec. (d) as (g) and transferred it to appear before subsec. (h), as redesignated.

Subsec. (h). Pub. L. 104–106, § 1021(b)(1), redesignated subsec. (f) as (h).

Subsec. (h)(1). Pub. L. 104–106, § 1021(g), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘counter-drug activities’ includes the use of National Guard personnel, while not in Federal service, in any law enforcement activities authorized by State and local law and requested by the Governor.”

1992—Subsec. (e)(1). Pub. L. 102–396 inserted “(or during fiscal year 1993 otherwise implementing)” after “administering”.

1991—Subsec. (c)(2). Pub. L. 102–25 substituted “in consultation with the Director of National Drug Control Policy.” for “in consultation with—

“(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and

“(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.”

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (f) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of Title 10, Armed Forces.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

NATIONAL GUARD COUNTERDRUG SCHOOLS

Pub. L. 109–469, title IX, § 901, Dec. 29, 2006, 120 Stat. 3536, as amended by Pub. L. 112–239, div. A, title X, § 1008, Jan. 2, 2013, 126 Stat. 1905; Pub. L. 114–328, div. A, title X, § 1012, Dec. 23, 2016, 130 Stat. 2385, provided that:

“(a) **AUTHORITY TO OPERATE.**—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than 5 schools (to be known generally as ‘National Guard counterdrug schools’).

“(b) **PURPOSE.**—The purpose of the National Guard counterdrug schools shall be the provision by the National Guard of training in drug interdiction and counterdrug activities and drug demand reduction activities to personnel of the following:

“(1) Federal agencies.

“(2) State, local, and tribal law enforcement agencies.

“(3) Community-based organizations engaged in such activities.

“(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

“(c) **COUNTERDRUG SCHOOLS SPECIFIED.**—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

“(1) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

“(2) The Midwest Counterdrug Training Center (MCTC), Johnston, Iowa.

“(3) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

“(4) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

“(5) The Western Regional Counterdrug Training Center, Camp Murray, Washington.

“(d) **USE OF NATIONAL GUARD PERSONNEL.**—

“(1) **IN GENERAL.**—To the extent provided for in the State drug interdiction and counterdrug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of title 32, United States Code, may provide training referred to in subsection (b) at that school.

“(2) **DEFINITION.**—In this subsection, the term ‘State drug interdiction and counterdrug activities plan’, in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

“(e) **CURRICULUM REVIEW.**—The Secretary of Defense shall review the curriculum and program structure of each school established under this section.

“(f) **TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.**—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) of such section 1004 and for a purpose set forth in subsection (b) of such section 1004.

“(g) ANNUAL REPORT ON ACTIVITIES.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year. Each such report shall set forth a description of the activities of each National Guard counterdrug school for the fiscal year preceding the fiscal year during which the report is submitted, including—

“(1) the amount of funding made available and the appropriation account for each National Guard counterdrug school during such fiscal year;

“(2) the cumulative amount of funding made available for each National Guard counterdrug school during five fiscal years preceding such fiscal year;

“(3) a description of the curriculum and training used at each National Guard counterdrug school;

“(4) a description of how the activities conducted at each National Guard counterdrug school fulfilled Department of Defense counterdrug mission;

“(5) a list of the entities described in subsection (b) whose personnel received training at each National Guard counterdrug school; and

“(6) updates, if any, to the Department of Defense regulations prescribed under subsection (a).

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Not more than \$30,000,000 may be expended by the Secretary of Defense for purposes of the National Guard counterdrug schools in any fiscal year.

“(2) CONSTRUCTION.—The amount expended pursuant to paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.”

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 901(g) of Pub. L. 109-469, set out above, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of Title 10, Armed Forces.]

§ 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

(a) AUTHORITY.—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

(b) COVERED ACTIVITIES.—(1) Except as provided in paragraph (2), financial assistance may be provided for the performance of an activity by the Army National Guard under subsection (a) only if—

(A) the activity is carried out in the performance of a responsibility of the Secretary of the Army under paragraph (6), (10), or (11) of section 7013(b) of title 10; and

(B) the Army National Guard was selected to perform the activity under competitive procedures that permit all qualified public-sector and private-sector sources to submit offers and be considered for selection to perform the activity on the basis of the offers, subject to the exceptions provided in section 2304(c) of title 10.

(2) Paragraph (1)(B) does not apply to an activity that, on October 17, 1998, was performed for the Federal Government by employees of the Federal Government or employees of a State.

(c) DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.—The Secretary of the Army shall dis-

burse any contribution under this section through the Chief of the National Guard Bureau.

(d) AVAILABILITY OF FUNDS.—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.

(Added Pub. L. 105-85, div. A, title III, §386(a), Nov. 18, 1997, 111 Stat. 1712; amended Pub. L. 105-261, div. A, title III, §375(a), Oct. 17, 1998, 112 Stat. 1992; Pub. L. 106-65, div. A, title X, §1066(d)(4), Oct. 5, 1999, 113 Stat. 773; Pub. L. 108-375, div. A, title VIII, §806, Oct. 28, 2004, 118 Stat. 2010; Pub. L. 115-232, div. A, title VIII, §809(j), Aug. 13, 2018, 132 Stat. 1843.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1)(A). Pub. L. 115-232 substituted “section 7013(b) of title 10” for “section 3013(b) of title 10”.

2004—Subsec. (b)(1)(B). Pub. L. 108-375 inserted before period at end “”, subject to the exceptions provided in section 2304(c) of title 10”.

1999—Subsec. (b)(2). Pub. L. 106-65 substituted “October 17, 1998” for “the date of the enactment of this subsection”.

1998—Subsec. (b). Pub. L. 105-261 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary of the Army under paragraphs (6), (10), and (11) of section 3013(b) of title 10.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title III, §375(b), Oct. 17, 1998, 112 Stat. 1993, provided that: “Subsection (b)(1)(B) of section 113 of title 32, United States Code (as added by subsection (a) of this section), does not apply to—

“(1) financial assistance provided under that section before October 1, 1998; or

“(2) financial assistance for an activity that, before May 9, 1998, the Secretary of the Army identified in writing as being under consideration for supporting with financial assistance under that section.”

§ 114. Funeral honors functions at funerals for veterans

Subject to such regulations and restrictions as may be prescribed by the Secretary concerned, the performance of funeral honors functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of funeral honors functions at such a funeral may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 115 of this title.

(Added Pub. L. 105-85, div. A, title V, §517(a)(1), Nov. 18, 1997, 111 Stat. 1733; amended Pub. L.

105–261, div. A, title V, §567(d), Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106–65, div. A, title V, §578(g)(1), (k)(3)(A), Oct. 5, 1999, 113 Stat. 627, 631.)

Editorial Notes

AMENDMENTS

1999—Pub. L. 106–65, in section catchline, substituted “Funeral honors” for “Honor guard” and, in text, substituted “funeral honors functions” for “honor guard functions” in two places and “drill or training, but may be performed as funeral honors duty under section 115 of this title” for “drill or training otherwise required”.

1998—Pub. L. 105–261 designated subsec. (a) as entire section and struck out subsec. (b) which read as follows: “This section does not authorize additional appropriations for any fiscal year. Any expense of the National Guard that is incurred by reason of this section shall be paid from appropriations otherwise available for the National Guard.”

§ 115. Funeral honors duty performed as a Federal function

(a) **ORDER TO DUTY.**—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned. Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 495¹ of title 37.

(b) **SERVICE CREDIT.**—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

(1) service credit under section 12732(a)(2)(E) of title 10; and

(2) as directed by the Secretary concerned, either—

(A) the allowance under section 495¹ of title 37; or

(B) compensation under section 206 of title 37.

(c) **REIMBURSABLE EXPENSES.**—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member’s residence.

(d) **REGULATIONS.**—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

(Added Pub. L. 106–65, div. A, title V, §578(g)(2), Oct. 5, 1999, 113 Stat. 627; amended Pub. L. 106–398, §1 [[div. A], title V, §575(a)(1)], Oct. 30,

2000, 114 Stat. 1654, 1654A–138; Pub. L. 107–107, div. A, title V, §562(b), Dec. 28, 2001, 115 Stat. 1119; Pub. L. 112–81, div. A, title VI, §631(f)(4)(A), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112–239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

Editorial Notes

REFERENCES IN TEXT

Section 495 of title 37, referred to in subsecs. (a) and (b)(2)(A), was renumbered section 435 of title 37 by Pub. L. 116–283, div. A, title VI, §604(b)(1), Jan. 1, 2021, 134 Stat. 3672.

AMENDMENTS

2013—Subsecs. (a), (b)(2)(A). Pub. L. 112–239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112–81, §631(f)(4)(A). See 2011 Amendment note below.

2011—Subsecs. (a), (b)(2)(A). Pub. L. 112–81, §631(f)(4)(A), as amended by Pub. L. 112–239, §1076(a)(9), substituted “495” for “435”.

2001—Subsec. (a). Pub. L. 107–107 inserted at end “Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”

2000—Subsec. (b)(2). Pub. L. 106–398 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “if authorized by the Secretary concerned, the allowance under section 435 of title 37.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112–239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112–81 as enacted.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–107 applicable to funeral honors duty performed on or after Oct. 30, 2000, see section 562(c) of Pub. L. 107–107, set out as a note under section 12503 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–398 applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106–398, set out as a note under section 12503 of Title 10, Armed Forces.

CHAPTER 3—PERSONNEL

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¹ See References in Text note below.

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 316. Detail of members of Army National Guard for rifle instruction of civilians.
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 328. Active Guard and Reserve duty: Governor's authority.
 [329 to 335. Repealed.]

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, § 526(b), Oct. 17, 2006, 120 Stat. 2196, added item 328.

2002—Pub. L. 107-314, div. A, title V, § 512(d), Dec. 2, 2002, 116 Stat. 2537, added item 327 and struck out former items 327 “General courts-martial of National Guard not in Federal service”, 328 “Special courts-martial of National Guard not in Federal service”, 329 “Summary courts-martial of National Guard not in Federal service”, 330 “Confinement instead of fine”, 331 “Dismissal or dishonorable discharge”, 332 “Compelling attendance of accused and witnesses”, and 333 “Execution of process and sentence”.

1994—Pub. L. 103-337, div. A, title XVI, § 1676(a)(4), Oct. 5, 1994, 108 Stat. 3019, substituted “National Guard officers:” for “officers: Army National Guard;” in items 309 and 310.

1986—Pub. L. 99-661, div. A, title VI, § 604(f)(2)(B), Nov. 14, 1986, 100 Stat. 3878, struck out item 318 “Compensation for disablement during training”, item 319 “Compensation for disablement during training when not covered by section 318 of this title”, item 320 “Hospitalization: when Secretary may require”, and item 321 “Death gratuity”.

1984—Pub. L. 98-525, title IV, § 414(b)(2)(B), Oct. 19, 1984, 98 Stat. 2519, struck out item 335 “Status of certain members performing full-time duty”.

1983—Pub. L. 98-94, title V, § 504(b)(2), Sept. 24, 1983, 97 Stat. 632, added item 335.

1981—Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666, struck out item 334 “Payment of malpractice liability of National Guard Medical personnel”.

1980—Pub. L. 96-513, title V, § 515(1), Dec. 12, 1980, 94 Stat. 2937, inserted “of officers” after “recognition” in item 307.

1976—Pub. L. 94-464, § 2(c), Oct. 8, 1976, 90 Stat. 1988, added item 334.

1961—Pub. L. 87-378, § 5(2), Oct. 4, 1961, 75 Stat. 808, inserted “, reenlistments, and extensions” in item 302.

1958—Pub. L. 85-861, § 2(8), Sept. 2, 1958, 72 Stat. 1544, added items 309 and 310.

Statutory Notes and Related Subsidiaries

REMOVAL OF RESTRICTIONS ON THE TRANSFER OF OFFICERS BETWEEN THE ACTIVE AND INACTIVE NATIONAL GUARD

Pub. L. 113-66, div. A, title V, § 512, Dec. 26, 2013, 127 Stat. 752, as amended by Pub. L. 114-328, div. A, title V, § 514, Dec. 23, 2016, 130 Stat. 2113, provided that:

“(a) ARMY NATIONAL GUARD.—During the period ending on December 31, 2019, under regulations prescribed by the Secretary of the Army:

“(1) An officer of the Army National Guard who fills a vacancy in a federally recognized unit of the Army National Guard may be transferred from the

active Army National Guard to the inactive Army National Guard.

“(2) An officer of the Army National Guard transferred to the inactive Army National Guard pursuant to paragraph (1) may be transferred from the inactive Army National Guard to the active Army National Guard to fill a vacancy in a federally recognized unit.

“(b) AIR NATIONAL GUARD.—During the period ending on December 31, 2019, under regulations prescribed by the Secretary of the Air Force:

“(1) An officer of the Air National Guard who fills a vacancy in a federally recognized unit of the Air National Guard may be transferred from the active Air National Guard to the inactive Air National Guard.

“(2) An officer of the Air National Guard transferred to the inactive Air National Guard pursuant to paragraph (1) may be transferred from the inactive Air National Guard to the active Air National Guard to fill a vacancy in a federally recognized unit.”

§ 301. Federal recognition of enlisted members

To be eligible for Federal recognition as an enlisted member of the National Guard, a person must have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved. He becomes federally recognized upon enlisting in a federally recognized unit or organization of the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
301	50:1113(a) (as applicable to enlisted members).	July 9, 1952, ch. 608, § 703(a) (as applicable to enlisted members), 66 Stat. 502.

§ 302. Enlistments, reenlistments, and extensions

(a) Under regulations to be prescribed by the Secretary concerned, original enlistments in the National Guard may be accepted for—

(1) any specified term, not less than three years, for persons who have not served in an armed force; or

(2) any specified term, not less than one year, for persons who have served in any armed force.

(b) Under regulations to be prescribed by the Secretary concerned, reenlistment in the National Guard may be accepted for any specified period, or, if the person last served in one of the highest five enlisted grades, for an unspecified period.

(c) Enlistments or reenlistments in the National Guard may be extended—

(1) under regulations to be prescribed by the Secretary concerned, at the request of the member, for any period not less than six months; or

(2) by proclamation of the President, if Congress declares an emergency, until six months after termination of that emergency.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601; Pub. L. 87-378, § 5(1), Oct. 4, 1961, 75 Stat. 808.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302	32:124.	June 3, 1916, ch. 134, § 69; restated July 11, 1919, ch. 8 (20th par. under “National Guard”); restated June 4, 1920, ch. 227, subch. I, § 37; restated June 6, 1924, ch. 275, § 4; restated June 15, 1933, ch. 87, § 7, 48 Stat. 156; July 9, 1952, ch. 608, § 806(a), 66 Stat. 506.

32:124 (1st proviso) is omitted as executed. The word “reenlistments” is substituted for the words “subsequent enlistments”.

Editorial Notes

AMENDMENTS

1961—Pub. L. 87-378 permitted original enlistments for any specified term, not less than three years, for persons who have not served in an armed force, authorized reenlistments for any specified period, or if the person last served in one of the highest five enlisted grades, for an unspecified period, extensions of enlistments or reenlistments at the request of the member for any period not less than six months after termination of the emergency.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1961 AMENDMENT

Pub. L. 87-378, § 6, Oct. 4, 1961, 75 Stat. 808, provided that: “The amendments made by sections 3, 4, and 5 of this Act [amending this section and sections 3261 and 8261 of Title 10, Armed Forces] shall not affect any enlistment, reenlistment, or appointment entered into or made before the effective date of this Act [Oct. 4, 1961].”

§ 303. Active and inactive enlistments and transfers

(a) Under regulations to be prescribed by the Secretary of the Army, a person qualified for enlistment in the active Army National Guard may be enlisted in the inactive Army National Guard for a single term of one or three years. Under regulations prescribed by the Secretary of the Air Force, a person qualified for enlistment in the active Air National Guard may be enlisted in the inactive Air National Guard for a single term of one or three years.

(b) Under such regulations as the Secretary of the Army may prescribe, an enlisted member of the active Army National Guard, not formerly enlisted in the inactive Army National Guard, may be transferred to the inactive Army National Guard. Under such regulations as the Secretary of the Air Force may prescribe, an enlisted member of the active Air National Guard, not formerly enlisted in the inactive Air National Guard, may be transferred to the inactive Air National Guard. Under such regulations as the Secretary concerned may prescribe, a person enlisted in or transferred to the inactive Army National Guard or the inactive Air National Guard may be transferred to the active Army National Guard or the active Air National Guard, as the case may be.

(c) In time of peace, no enlisted member may be required to serve for a period longer than that for which he enlisted in the active or inactive National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601; Pub. L. 87-649, § 14e(1), Sept. 7, 1962, 76 Stat. 502; Pub. L. 96-513, title V, § 515(2), Dec. 12, 1980, 94 Stat. 2937.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303(a)	32:132.	June 3, 1916, ch. 134, § 78 (1st and 2d sentences);
303(b)	32:133 (less proviso).	restated June 4, 1920, ch. 227, subch. I, § 42 (less provisos);
303(c)	32:154 (1st 26 words of last par.).	restated Feb. 28, 1925, ch. 371, § 2 (1st and 2d sentences);
303(d)	32:133 (proviso).	restated June 15, 1933, ch. 87, § 15 (1st and 2d sentences), 48 Stat. 159; July 9, 1952, ch. 608, § 806(f), 66 Stat. 507.
		June 3, 1916, ch. 134, § 110 (1st 30 words of last par.); restated Sept. 22, 1922, ch. 423, § 6 (1st 30 words of last par.); restated May 12, 1928, ch. 529 (1st 30 words), 45 Stat. 500.

In subsection (a), 32:132 (last 23 words) is omitted as covered by section 304 of this title.

In subsection (b), the words “Under such regulations as the Secretary may prescribe” are substituted for the word “likewise”.

In subsection (c), the words “in the inactive * * * National Guard” are substituted for the words “not on the active list”, since there is no active list prescribed for the National Guard.

In subsection (d), the words “under any enlistment” are omitted as surplusage.

Editorial Notes

AMENDMENTS

1980—Subsecs. (c), (d). Pub. L. 96-513 redesignated subsec. (d) as (c).

1962—Subsec. (c). Pub. L. 87-649 repealed subsec. (c) which provided that a person enlisted in inactive Army National Guard or inactive Air National Guard is not entitled to pay under section 301 of title 37.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

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.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

§ 304. Enlistment oath

Each person enlisting in the National Guard shall sign an enlistment contract and subscribe to the following oath:

“I do hereby acknowledge to have voluntarily enlisted this ____ day of _____, 19____, in the _____ National Guard of the State of _____ for a period of ____ year(s) under the conditions prescribed by law, unless sooner discharged by proper authority.

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and of the State of _____ against all enemies, foreign and domestic; that I will bear true faith and alle-

giance to them; and that I will obey the orders of the President of the United States and the Governor of _____ and the orders of the officers appointed over me, according to law and regulations. So help me God.”

The oath may be taken before any officer of the National Guard of the State or Territory, or of Puerto Rico, or the District of Columbia, as the case may be, or before any other person authorized by the law of the jurisdiction concerned to administer oaths of enlistment in the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 602; Pub. L. 87-751, §2, Oct. 5, 1962, 76 Stat. 748; 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)
304	32:123.	June 3, 1916, ch. 134, §70; restated June 4, 1920, ch. 227, subch. I, §38; restated June 15, 1933, ch. 87, §8, 48 Stat. 156; June 19, 1935, ch. 277, §3, 49 Stat. 391; July 9, 1952, ch. 608, §806(b), 66 Stat. 506.

The words “or affirmation” are omitted as covered by the definition of the word “oath” in section 1 of title 1. The words “Each person” are substituted for the word “Men”. The words “_____ National Guard” are substituted for the words “National Guard (Air National Guard)”.

Editorial Notes

AMENDMENTS

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

1962—Pub. L. 87-751 substituted “support and defend the Constitution of the United States and of the State of _____ against all enemies, foreign and domestic; that I will bear true faith and allegiance to them” for “bear true faith and allegiance to the United States of America and to the State of _____: That I will serve them honestly and faithfully against all their enemies whomsoever” and inserted “So help me God.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-751 not to effect any oath taken before one year after Oct. 5, 1962, see section 3 of Pub. L. 87-751, set out as a note under section 502 of Title 10, Armed Forces.

§ 305. Federal recognition of commissioned officers: persons eligible

(a) The following categories are eligible for Federal recognition as commissioned officers of the National Guard:

- (1) Members of the National Guard.
- (2) Members of the armed forces.
- (3) Former officers of the armed forces.
- (4) Former enlisted members of the armed forces who were discharged honorably or under honorable conditions.

(5) Graduates of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy.

(6) Graduates of a school, college, university, or officer’s training camp who received military instruction under the supervision of a commissioned officer of the Regular Army or the Regular Air Force, and whose fitness for appointment has been certified by that officer.

(7) Civilians who are specially qualified for duty in a technical or staff branch or organization.

(b) To be eligible for Federal recognition under this section with a view to serving as a nurse, a person must be a graduate of a hospital or university training school and a registered nurse.

(Aug. 10, 1956, ch. 1041, 70A Stat. 602; Pub. L. 85-861, §2(5), Sept. 2, 1958, 72 Stat. 1543; Pub. L. 90-130, §2(1), Nov. 8, 1967, 81 Stat. 383; Pub. L. 108-375, div. A, title V, §505, Oct. 28, 2004, 118 Stat. 1875; Pub. L. 111-383, div. A, title V, §517, Jan. 7, 2011, 124 Stat. 4214.)

HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
305	32:111 (less 37th through 54th words).	June 3, 1916, ch. 134, §74 (less 39th through 56th words); restated June 4, 1920, ch. 227, subch. I, §41 (less 39th through 56th words), 41 Stat. 781.

The word “individual” is inserted for clarity to distinguish the individual Federal recognition that is necessary to membership as an officer from the general Federal recognition that is necessary to all membership in the National Guard (see section 301 of this title).

The words “June 4, 1920” are omitted as obsolete. The words “Only persons selected from the following categories are eligible for individual Federal recognition as commissioned officers” are substituted for the words “Persons commissioned * * * shall not be recognized as such under any of the provisions of this title unless they shall have been selected from the following classes”.

In clause (2), the words “reserve officers” are omitted as covered by the words “members of the Army, Navy, Air Force, or Marine Corps”.

In clause (4), the words “under honorable conditions” are inserted for clarity.

In clause (5), the words “the United States Air Force Academy” are inserted to reflect the establishment of that institution by the Air Force Academy Act (68 Stat. 47).

In clause (7), the words “staff branch” are substituted for the words “Staff Corps and departments”.

1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
305(b)	32 App.:4 (less applicability to age).	July 30, 1956, ch. 789, §2 (less applicability to age), 3, 70 Stat. 729.

The words “who are citizens of the United States” are omitted as covered by section 313(b) of this title. The words “with a view to serving” are substituted for the words “to serve”. The words “and have the physical and other qualifications prescribed by the Secretary of the Army” and section 3 of the source statute are omitted as covered by section 307(a)(2) of this title. The applicability of section 3 of the source statute to section 1 of the source statute is omitted as unnecessary.

Editorial Notes

AMENDMENTS

2011—Subsec. (a)(5). Pub. L. 111-383 substituted “the United States Coast Guard Academy, or the United States Merchant Marine Academy” for “or the United States Coast Guard Academy”.

2004—Subsec. (a)(2) to (4). Pub. L. 108-375, § 505(1), substituted “armed forces” for “Army, Navy, Air Force, or Marine Corps”.

Subsec. (a)(5). Pub. L. 108-375, § 505(2), substituted “the United States Air Force Academy, or the United States Coast Guard Academy” for “or the United States Air Force Academy”.

1967—Subsec. (a). Pub. L. 90-130, § 2(1)(A), struck out provision that, except as provided in subsec. (b), only male persons from the enumerated categories were eligible for Federal recognition as commissioned officers of the National Guard.

Subsec. (b). Pub. L. 90-130, § 2(1)(B), (C), struck out provision that women are eligible for Federal recognition as commissioned officers of the National Guard, with a view to serving as nurses or medical specialist, and substituted “person” for “woman” in description of the individual who must be a graduate of a hospital or university training school and a registered nurse in order to be eligible for Federal recognition under this section with a view to serving as a nurse.

1958—Subsec. (a). Pub. L. 85-861, § 2(5)(A), designated existing provisions as subsec. (a) and substituted “Except as provided in subsection (b), only male persons” for “Only persons”.

Subsec. (b). Pub. L. 85-861, § 2(5)(B), added subsec. (b).

§ 307. Federal recognition of officers: examination; certificate of eligibility

(a) To be eligible for Federal recognition as an officer of the National Guard, a person must—

(1) receive an appointment with a view to filling a vacancy in a federally recognized unit or organization of the National Guard;

(2) have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved; and

(3) except as provided in subsections (d) and (e) of this section, pass an examination for physical, moral, and professional fitness to be prescribed by the President, and subscribe to the oath of office prescribed by section 312 of this title.

(b) The examination prescribed by subsection (a)—

(1) shall be conducted, for the Army National Guard, by a board of three commissioned officers designated by the Secretary of the Army from members of the Regular Army or the Army National Guard of the United States, or both, and for the Air National Guard, by a board of three commissioned officers designated by the Secretary of the Air Force from members of the Regular Air Force or the Air National Guard of the United States, or both; and

(2) may be held before original appointment or promotion.

(c) If such a board finds a person qualified, the Chief of the National Guard Bureau may issue to him a certificate of eligibility for Federal recognition for the office for which he was found qualified. If he is originally appointed or promoted within two years to that office, he is entitled to Federal recognition without further examination, except as to physical condition.

(d) Subject to subsection (a)(1) and (2) and to such physical examination as may be prescribed, Federal recognition shall be extended to each officer of the Army Reserve who has qualified for appointment as an officer of the Army National Guard in his reserve grade. Similarly, Federal recognition shall be extended to each officer of the Air Force Reserve who has qualified for appointment as an officer of the Air National Guard. Federal recognition extended under this subsection is effective from the date of appointment in the Army National Guard or the Air National Guard, as the case may be.

(e) Subject to subsection (a)(1) and (2), Federal recognition shall be extended to each officer of the Air Force Reserve who is appointed in a commissioned grade in the Air National Guard to fill a vacancy, if on the date on which he is appointed his reserve grade is the same as the grade in which he is appointed or his name is on a recommended list for promotion to that reserve grade.

(f) Federal recognition extended under subsection (d) or (e) is effective from the date of appointment in the Army National Guard or the Air National Guard, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 602; Pub. L. 85-861, § 2(6), Sept. 2, 1958, 72 Stat. 1543; Pub. L. 92-492, § 2(b), Oct. 13, 1972, 86 Stat. 810; Pub. L. 96-535, Dec. 16, 1980, 94 Stat. 3165; Pub. L. 103-337, div. A, title XVI, § 1676(a)(2), Oct. 5, 1994, 108 Stat. 3019.)

HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
307(a)	32:113 (1st sentence). 32:111 (37th through 54th words). 50:1113(a) (as applicable to officers).	June 3, 1916, ch. 134, § 74 (39th through 56th words); restated June 4, 1920, ch. 227, subch. I, § 41 (39th through 56th words), 41 Stat. 781.
307(b)	32:113 (2d sentence and 1st 24 words of 3d sentence).	June 3, 1916, ch. 134, § 75; restated June 15, 1933, ch. 87, § 12, 48 Stat. 158;
307(c)	32:113 (3d sentence, less 1st 24 words).	July 9, 1952, ch. 608, § 803 (10th par.), 66 Stat. 505.
307(d)	50:1115(a) (less last 39 words).	July 9, 1952, ch. 608, §§ 703(a) (as applicable to officers), 705(a) (less last 39 words), 66 Stat. 502.

In subsection (b), the words “prescribed by subsection (a)” are substituted for the words “to determine such qualifications for appointment”. The word “designated” is substituted for the word “appointed”, since the filling of the positions involved is not an appointment to office in the constitutional sense. The words “of an individual as an officer or warrant officer” are omitted as surplusage.

In subsection (c), the word “originally” is inserted for clarity. The words “If such a board finds a person” are substituted for the words “if the applicant has been found”. The words “for individual Federal recognition for the office for which he was found qualified” are inserted for clarity. The words “that office” are substituted for the words “the office for which he was found qualified”.

In subsection (d), the words “Notwithstanding the provisions of section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The words “Subject to subsection (a)(1) and (2)” are inserted, since 50:1115(a) (less last 39 words) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the require-

ment that only members of federally recognized units can be federally recognized. The words “in his reserve grade” are substituted for the words “in the same grade in which he is appointed as a Reserve officer of the appropriate Armed Force of the United States”. The last sentence is inserted for clarity.

1958 ACT

<i>Section of title 32</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307(a)	50:1349(b) (1st sentence).	Sept. 3, 1954, ch. 1257, § 519(b), 68 Stat. 1179.
307(e)	50:1349(b) (less 1st sentence, and less 36th through 58th words of 2d sentence).	
307(f)	50:1349(b) (36th through 58th words of 2d sentence).	

In subsection (e), the words “to subsection (a)(1) and (2)” are inserted, since 50:1349(b) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the requirement that only members of federally recognized units can be federally recognized. The words “without the examination prescribed in section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The last 37 words are substituted for 50:1349(b) (last 29 words of 2d sentence; and last sentence).

Editorial Notes

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-337 struck out “and sections 8365 and 8366 of title 10” after “of this section”.

1980—Subsec. (g). Pub. L. 96-535 struck out subsec. (g) which prohibited extension of Federal recognition to members of the Virgin Islands National Guard in any grade above colonel.

1972—Subsec. (g). Pub. L. 92-492 added subsec. (g).

1958—Subsec. (a)(3). Pub. L. 85-861, §2(6)(A), substituted “subsections (d) and (e) of this section and sections 8365 and 8366 of title 10” for “subsection (d)”.

Subsecs. (e), (f). Pub. L. 85-861, §2(6)(B), added subsecs. (e) and (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SUSPENSION OF SUBSECTION (e) OF THIS SECTION

For authority of the President to suspend subsec. (e) of this section in time of war or emergency declared by Congress, see section 111 of this title.

§ 308. Federal recognition of officers: temporary recognition

(a) The Secretary of the Army may authorize the extension of temporary Federal recognition as an officer of the Army National Guard to any person who has passed the examination prescribed in section 307(b) of this title, pending his appointment as a reserve officer of the Army. The Secretary of the Air Force may do likewise for a person who has passed that examination pending his appointment as a reserve officer of the Air Force. Temporary recognition so extended may be withdrawn at any time. If not sooner withdrawn or replaced by permanent recognition upon appointment as a reserve officer in the same grade, it terminates one year after its effective date.

(b) To be eligible for temporary Federal recognition under subsection (a), a person must take an oath that during the period of temporary recognition he will perform his Federal duties as if he had been appointed as a reserve officer of the Army or the Air Force, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 603; Pub. L. 110-181, div. A, title V, §514, Jan. 28, 2008, 122 Stat. 99.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
308(a)	50:1114 (less 2d and 3d sentences).	July 9, 1952, ch. 608, § 704 (less 2d sentence), 66 Stat. 502.
308(b)	50:1114 (3d sentence).	

In subsection (a), the words “by regulations” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “as an officer of the Army National Guard to any person” are substituted for the words “to any officer of the National Guard or Air National Guard”. The second sentence is inserted for clarity. The words “successfully”, “final determination of his eligibility for, and”, “in the grade concerned”, and “automatically” are omitted as surplusage. 50:1114 (proviso of last sentence) is omitted as surplusage.

In subsection (b), the words “To be eligible for temporary Federal recognition under subsection (a), a person” are substituted for the words “However, a temporary extension of Federal recognition shall be granted only when the officer”. The words “the period of temporary recognition” are substituted for the words “such recognition”. The words “and obligations required of him” and “in the same grade” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “one year” for “six months” in last sentence.

§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

(Added Pub. L. 85-861, §2(7), Sept. 2, 1958, 72 Stat. 1543; amended Pub. L. 103-337, div. A, title XVI, §1630(1), Oct. 5, 1994, 108 Stat. 2963.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
309	50:1251.	Sept. 3, 1954, ch. 1257, § 319, 68 Stat. 1160.

The words “authorized under section 1227(a) of this title” are omitted as surplusage.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-337 substituted “National Guard officers: officers” for “officers: Army National Guard; of-

ficers” in section catchline and amended text generally. Prior to amendment, text read as follows: “Each officer of the Army National Guard who is promoted to fill a vacancy in a federally recognized unit thereof, and who is eligible for promotion under section 3363(b) of title 10, shall be examined for Federal recognition in the grade to which he is promoted. However, a second lieutenant or first lieutenant of the Army National Guard who has served creditably for at least one year in a position prescribed to be filled by a captain, and who has not previously been federally recognized under this section, may be examined for Federal recognition in the next higher grade without regard to section 3363(b) of title 10.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SUSPENSION OF THIS SECTION

For authority of the President to suspend this section in time of war or emergency declared by Congress, see section 111 of this title.

§ 310. Federal recognition of National Guard officers: automatic recognition

(a)(1) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

(2) Notwithstanding sections 307 and 309 of this title, if a warrant officer, W-1, of the National Guard is promoted to the grade of chief warrant officer, W-2, to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of chief warrant officer, W-2, effective as of the date on which that officer has completed the service in the grade prescribed by the Secretary concerned under section 12242 of title 10, if the warrant officer has remained in an active status since the warrant officer was so recommended.

(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard.

(Added Pub. L. 85-861, §2(7), Sept. 2, 1958, 72 Stat. 1544; amended Pub. L. 103-337, div. A, title XVI, §1630(1), Oct. 5, 1994, 108 Stat. 2964; Pub. L. 112-239, div. A, title V, §512, Jan. 2, 2013, 126 Stat. 1718.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
310(a)	50:1252 (less (2)).	Sept. 3, 1954, ch. 1257, §320, 68 Stat. 1160.
310(b)	50:1252(2).	

In subsections (a) and (b), the words “federally recognized” are inserted for clarity.

In subsection (a), the words “or the date of the promotion, whichever is later” are omitted as inconsistent with section 3820(c) of title 10, requiring the discharge of each second lieutenant who is not promoted by the time he has three years of service. (See opinion of the Judge Advocate General of the Army (JAGA 1957/1019, Jan. 7, 1957).)

Editorial Notes

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239 designated existing provisions as par. (1) and added par. (2).

1994—Pub. L. 103-337 substituted “National Guard officers:” for “officers: Army National Guard:” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the Army National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade of first lieutenant, effective as of the date on which he completes three years of service computed under section 3360(a) of title 10.

“(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the Army National Guard to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade in which he is so appointed in the Army National Guard, if he has been recommended for promotion to the grade concerned under section 3366, 3367, 3370, or 3383 of title 10 and has remained in an active status since he was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the Army National Guard.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SUSPENSION OF THIS SECTION

For authority of the President to suspend this section in time of war or emergency declared by Congress, see section 111 of this title.

§ 312. Appointment oath

Each person who is appointed as an officer of the National Guard shall subscribe to the following oath:

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of _____ against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same;

that I will obey the orders of the President of the United States and of the Governor of the State of _____, that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of _____ in the National Guard of the State of _____ upon which I am about to enter, so help me God.”

(Aug. 10, 1956, ch. 1041, 70A Stat. 603.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
312	32:112.	June 3, 1916, ch. 134, § 73 (1st par.); restated June 15, 1933, ch. 87, § 11 (1st par.), 48 Stat. 157; July 9, 1952, ch. 608, § 806(c), 66 Stat. 507.

The words “Each person who is appointed as an” are inserted for clarity.

§ 313. Appointments and enlistments: age limitations

(a) To be eligible for original enlistment in the National Guard, a person must be at least 17 years of age and under 45, or under 64 years of age and a former member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps. To be eligible for reenlistment, a person must be under 64 years of age.

(b) To be eligible for appointment as an officer of the National Guard, a person must—

(1) be a citizen of the United States; and

(2) be at least 18 years of age and under 64.

(Aug. 10, 1956, ch. 1041, 70A Stat. 604; Pub. L. 85-861, § 2(9), Sept. 2, 1958, 72 Stat. 1544; Pub. L. 90-130, § 2(2), Nov. 8, 1967, 81 Stat. 383.)

HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
313(a)	32:4 (less 22 words before proviso).	June 3, 1916, ch. 134, § 58; restated Feb. 28, 1925, ch. 371, § 1 (1st par.); restated June 15, 1933, ch. 87, § 5 (1st par.), 48 Stat. 155; June 19, 1935, ch. 277, § 2, 49 Stat. 391; June 28, 1947, ch. 162, § 7 (less applicability to § 57 of the Act of June 3, 1916, ch. 134), 61 Stat. 192; July 9, 1952, ch. 608, §§ 803 (8th par.), 806(j), 66 Stat. 505, 508.
313(b)	32:4 (22 words before proviso).	

In subsection (a), 32:4 (1st 19 words) is omitted as covered by section 101(3) and (5) of this title. 32:4 (54th through 62d words) is omitted as surplusage. The words “under 64” are substituted for the words “not more than sixty-four” to conform to an opinion of the Judge Advocate General of the Army (JAGA 1953/9033, 3 Dec. 1953). The word “Regular” is inserted before the words “Navy” and “Marine Corps”. The words “Regular Air Force” are inserted to complete the coverage of the revised section. The word “reenlistment” is substituted for the words “subsequent enlistment”.

1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
313(b)	32 App.:4 (as applicable to age).	July 30, 1956, ch. 789, § 2 (as applicable to age), 70 Stat. 729.

Editorial Notes

AMENDMENTS

1967—Subsec. (b)(3). Pub. L. 90-130 struck out cl. (3) which inserted requirement that women appointed with a view to serving as a nurse or medical specialist be at least 21 years of age and under 64 years of age in order to be eligible for appointment as an officer of the National Guard.

1958—Subsec. (b). Pub. L. 85-861 inserted qualifications for appointment of women with a view to serving as nurses or medical specialists.

§ 314. Adjutants general

(a) There shall be an adjutant general in each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands. He shall perform the duties prescribed by the laws of that jurisdiction.

(b) The President shall appoint the adjutant general of the District of Columbia and prescribe his grade and qualifications.

(c) The President may detail as adjutant general of the District of Columbia any retired commissioned officer of the Regular Army or the Regular Air Force recommended for that detail by the commanding general of the District of Columbia National Guard. An officer detailed under this subsection is entitled to the basic pay and allowances of his grade.

(d) The adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands, and officers of the National Guard, shall make such returns and reports as the Secretary of the Army or the Secretary of the Air Force may prescribe, and shall make those returns and reports to the Secretary concerned or to any officer designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 604; Pub. L. 85-894, Sept. 2, 1958, 72 Stat. 1713; Pub. L. 100-456, div. A, title XII, § 1234(b)(1), (5), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 101-510, div. A, title XIII, § 1322(b), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-190, div. A, title V, § 553, Dec. 5, 1991, 105 Stat. 1371; Pub. L. 109-163, div. A, title X, § 1057(b)(2), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
314(a)	32:11.	Jan. 21, 1903, ch. 196, § 12, 32 Stat. 776.
314(b)	32:12.	June 6, 1900, ch. 811, 31 Stat. 671.
314(c)	10:998.	June 3, 1916, ch. 134, § 66, 39 Stat. 199.
314(d)	32:13. 32:14.	

In subsection (a), the word “appointed” is omitted, since the position is not filled by appointment in some cases. The Act of January 21, 1903, ch. 196, § 12 (last 48 words of 1st sentence) are not contained in 32:11. They are also omitted from the revised section as covered by subsection (d) of this section.

In subsection (b), the word “grade” is substituted for the word “rank”. The words “To be eligible for appointment as * * * a person must be” are substituted for the words “each * * * shall be”. The words “of that jurisdiction” are substituted for the words “of the Territory for which he is appointed”.

In subsection (c), the word “Regular” is inserted as an implication of 10:998 (last 2 words). The words “commanding general” are substituted for the words “brigadier general commanding”, since the commanding general might hold another grade.

The words “basic pay” are substituted for the words “active service pay” to conform to section 201 of the Career Compensation Act of 1949, 63 Stat. 805 (37 U.S.C. 232). The word “grade” is substituted for the word “rank”.

In subsection (d), the words “at such times and in such form” are omitted as covered by the words “such returns and reports as the Secretary * * * may prescribe”.

Editorial Notes

AMENDMENTS

2006—Subsecs. (a), (d). 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”.

1991—Subsec. (b). Pub. L. 102-190 struck out “each Territory and” before “the District of Columbia” in first sentence, and struck out at end “To be eligible for appointment as adjutant general of a Territory, a person must be a citizen of that jurisdiction.”

1990—Subsec. (d). Pub. L. 101-510 struck out at end “Each Secretary shall send with his annual report to Congress an abstract of the returns and reports of the adjutants general and such comments as he considers necessary for the information of Congress.”

1988—Subsec. (a). Pub. L. 100-456, §1234(b)(1), struck out “the Canal Zone,” after “Puerto Rico,”.

Subsec. (b). Pub. L. 100-456, §1234(b)(5), struck out “, the Canal Zone,” after “each Territory” and “or the Canal Zone” after “a Territory”.

Subsec. (d). Pub. L. 100-456, §1234(b)(1), struck out “the Canal Zone,” after “Puerto Rico,”.

1958—Subsec. (b). Pub. L. 85-894 struck out “Puerto Rico” in two places.

§ 315. Detail of regular members of Army and Air Force to duty with National Guard

(a) The Secretary of the Army shall detail commissioned officers of the Regular Army to duty with the Army National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands. The Secretary of the Air Force shall detail commissioned officers of the Regular Air Force to duty with the Air National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands. With the permission of the President, an officer so detailed may accept a commission in the Army National Guard or the Air National Guard, as the case may be, terminable in the President's discretion, without prejudicing his rank and without vacating his regular appointment.

(b) The Secretary of the Army may detail enlisted members of the Regular Army for duty with the Army National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands. The Secretary of the Air Force may detail enlisted members of the Regular Air Force for duty with the Air National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(Aug. 10, 1956, ch. 1041, 70A Stat. 604; 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
315(a)	32:68 (less 2d sentence). 32:69.	June 3, 1916, ch. 134, §100, 39 Stat. 208.
315(b)	32:68 (2d sentence).	

In subsection (a), 32:68 (last sentence) is omitted as surplusage, since positive provisions relating to the assignment or detail of retired officers to that duty are covered by section 3504(a) or 8504(a) of title 10. The words “of the active list”, in 32:68, are omitted for the same reason. The words “so detailed” are substituted for the words “detailed under section 68 of this title”, in 32:69. The words “relative or lineal”, in 32:69, are omitted as surplusage.

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” wherever appearing.

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

Executive Documents

DELEGATION OF FUNCTIONS AND AUTHORITY UNDER SECTIONS 315 AND 325 OF TITLE 32, UNITED STATES CODE

Memorandum of President of the United States, Apr. 14, 2011, 76 F.R. 22003, provided:

Memorandum for the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you: (a) the functions and authority of the President contained in section 315 of title 32, United States Code, to permit a commissioned officer of the Regular Army or Regular Air Force to accept a commission in the Army National Guard or the Air National Guard, as the case may be, terminable at your discretion, without prejudicing his or her rank and without vacating his or her regular appointment; and (b) the functions and authority of the President contained in section 325 of title 32, United States Code, to authorize the service of an officer of the Army National Guard or the Air National Guard on active duty without relieving that officer from duty in the National Guard of his or her State, or of the Commonwealth of Puerto Rico, Guam, or the United States Virgin Islands, or the District of Columbia and to give such authorization in advance for the purpose of establishing the succession of command of a unit.

This delegation of functions and authority supersedes and replaces the July 23, 2004, delegation to the Secretary of Defense of the functions and authority of the President contained in section 325 of title 32, United States Code.

You are further authorized and directed to make necessary arrangements to fund the exercise of these functions and authority from the proper appropriation, prescribe regulations to implement these functions and authority, and to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 316. Detail of members of Army National Guard for rifle instruction of civilians

The President may detail officers and non-commissioned officers of the Army National Guard to duty as instructors at rifle ranges for the training of civilians in the use of military arms.

(Aug. 10, 1956, ch. 1041, 70A Stat. 605.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
316	32:183.	June 3, 1916, ch. 134, §113 (3d sentence), 39 Stat. 211.

The word “civilians” is substituted for the word “citizenry”. The word “capable” is omitted as surplusage.

§ 317. Command during joint exercises with Federal troops

When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal service, the command of the post, air base, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise.

(Aug. 10, 1956, ch. 1041, 70A Stat. 605.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
317	32:72.	June 3, 1916, ch. 134, §95, 39 Stat. 207.

The words “not in Federal service” are inserted to show that the revised section applies only to joint exercises involving National Guard troops not in Federal service, since 32:72 was enacted before the establishment of the National Guard of the United States, in 1933. The words “troops in Federal service” are substituted for the words “troops of the United States”. The words “officers in Federal service who command” are substituted for the words “commander of the United States troops”. The words “post, air base, or other place” are substituted for the words “military post, or reservation, or elsewhere”. The words “that place and the Federal troops on duty there” are substituted for the words “there or elsewhere”. The words “including outdoor target practice” and “field and coast defense instruction” are omitted as surplusage.

Statutory Notes and Related Subsidiaries

USUAL AND CUSTOMARY ARRANGEMENT

Pub. L. 112-81, div. A, title V, §515(c), Dec. 31, 2011, 125 Stat. 1395, provided that:

“(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

“(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Colum-

bia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

“(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.”

[§§ 318 to 321. Repealed. Pub. L. 99-661, div. A, title VI, §604(f)(2)(A), Nov. 14, 1986, 100 Stat. 3878]

Section 318, acts Aug. 10, 1956, ch. 1041, 70A Stat. 605; Sept. 2, 1958, Pub. L. 85-861, §33(c)(1), 72 Stat. 1567; Sept. 7, 1962, Pub. L. 87-649, §8(a), 76 Stat. 495, related to compensation for members of National Guard for disablement during training.

Section 319, act Aug. 10, 1956, ch. 1041, 70A Stat. 605, related to compensation for members of National Guard for disablement during training when not covered by section 318 of this title.

Section 320, act Aug. 10, 1956, ch. 1041, 70A Stat. 606, related to hospitalization ordered by Secretary of Army or Air Force for members of National Guard.

Section 321, acts Aug. 10, 1956, ch. 1041, 70A Stat. 606; Sept. 2, 1958, Pub. L. 85-861, §2(10), 72 Stat. 1544; Sept. 7, 1962, Pub. L. 87-649, §8(b), 76 Stat. 495, related to death gratuities for members of National Guard.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99-661, set out as an Effective Date of 1986 Amendment note under section 1074a of Title 10, Armed Forces.

§ 322. Discharge of enlisted members

(a) An enlisted member of the National Guard shall be discharged when—

- (1) he becomes 64 years of age; or
- (2) his Federal recognition is withdrawn.

(b) An enlisted member who is discharged from the National Guard is entitled to a discharge certificate similar in form and classification to the corresponding certificate prescribed for members of the Regular Army or the Regular Air Force, as the case may be.

(c) In time of peace, an enlisted member of the National Guard may be discharged before his enlistment expires, under such regulations as may be prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 606.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
322(a)	32:154 (last par., less 1st 26, and last 26, words).	June 3, 1916, ch. 134, §72; restated June 4, 1920, ch. 227, subch. I, §40; restated June 15, 1933, ch. 87, §10, 48 Stat. 157; July 9, 1952, ch. 608, §806(d), 66 Stat. 507.
322(b)	32:125 (less last 27 words).	
322(c)	32:125 (last 27 words).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
		June 3, 1916, ch. 134, § 110 (last par., less 1st 30, and last 25, words); restated Sept. 22, 1922, ch. 423, § 6 (last par., less 1st 30, and last 137, words); restated May 12, 1928, ch. 529 (less 1st 30, and last 25, words), 45 Stat. 500.

Subsection (a) is substituted for 32:154 (last par., less 1st 26, and last 26, words) to reflect an opinion of the Judge Advocate General of the Army (JAGA 1953/9033, 3 Dec. 1953).

In subsection (b), the words “is entitled to a discharge certificate similar in form and classification to the corresponding certificate” are substituted for the words “shall receive a discharge in writing in such form and with such classification as is or shall be”. The words “service in” are omitted as surplusage.

In subsection (c), the words “his enlistment expires” are substituted for the words “the expiration of terms of enlistment”.

§ 323. Withdrawal of Federal recognition

(a) Whenever a member of the National Guard ceases to have the qualifications prescribed under section 301 of this title or ceases to be a member of a federally recognized unit or organization of the National Guard, his Federal recognition shall be withdrawn.

(b) Under regulations to be prescribed by the President, the capacity and general fitness of an officer of the National Guard for continued Federal recognition may be investigated at any time by an efficiency board composed of commissioned officers of—

(1) the Regular Army or the Army National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Army, if he is a member of the Army National Guard; or

(2) the Regular Air Force or the Air National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Air Force, if he is a member of the Air National Guard.

If the findings of the board are unfavorable to the officer and are approved by the President, his Federal recognition shall be withdrawn.

(c) If a member of the Army National Guard of the United States or the Air National Guard of the United States is transferred to the Army Reserve or the Air Force Reserve, as the case may be, under section 12105, 12213(a), or 12214(a) of title 10, his Federal recognition is withdrawn.

(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

(1) federally recognized as an officer of the National Guard; and

(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 607; Pub. L. 85-861, §§2(11), 33(c)(2), Sept. 2, 1958, 72 Stat. 1546,

1567; Pub. L. 103-337, div. A, title XVI, §§1630(2), 1676(a)(3), Oct. 5, 1994, 108 Stat. 2964, 3019.)

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
323(a)	32:154 (last 26 words of last par.).	June 3, 1916, ch. 134, § 76 (1st sentence, and 1st 24 words of 2d sentence); restated June 15, 1933, ch. 87, § 13 (1st sentence, and 1st 24 words of 2d sentence), 48 Stat. 158.
323(b)	32:115 (1st sentence, and 1st 24 words of 2d sentence).	June 3, 1916, ch. 134, § 110 (last 25 words of last par.); restated Sept. 22, 1922, ch. 423, § 6 (last 137 words of last par.); restated May 12, 1928, ch. 529 (last 25 words), 45 Stat. 501.
323(c)	50:1116 (last 15 words of 1st sentence).	July 9, 1952, ch. 608, § 706 (last 15 words of 1st sentence), 66 Stat. 503.

In subsection (a) the words “ceases to have the qualifications prescribed under section 300 of this title” are substituted for 32:154 (last 26 words of last par.), since it is implicit that a member who could not be paid would lose his federally recognized status (see JAGA 1953/9033, 3 Dec. 1953). The last 23 words of subsection (a) are inserted as a necessary implication of the rule stated in section 309(c) of this title.

In subsection (b), the words “or warrant officer” are omitted, since section 101(9) of this title defines “officer” to include warrant officers. The word “detailed” is substituted for the word “appointed”, since the filling of the positions involved is not appointment to an office in the constitutional sense. The word “commissioned” is inserted after the words “composed of”, since the word “officer” alone, in 32:115, referred to a commissioned officer only (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)). The words “who outrank him” are substituted for the words “senior in rank to the officer under investigation”.

In subsection (c), the opening clause is substituted for the words “such transfer”. The words “his Federal recognition is withdrawn” are substituted for the words “shall terminate his federally recognized National Guard or Air National Guard status”.

1958 ACT

<i>Section of title 32</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
323(d)	50:1261 (as applicable to Federal recognition).	Sept. 3, 1954, ch. 1257, § 324 (as applicable to Federal recognition), 522(e)(1) (56th through 63d words), 68 Stat. 1161, 1181.
323(e)	50:1352(e)(1) (56th through 63d words). 50:1352(e)(2) (78th through 85th words).	

The change [in subsec. (b)(1) and (2)] is necessary to exclude from the efficiency board commissioned officers of the Army Reserve or Air Force Reserve, in accordance with the source law, the first sentence of section 76 of the Act of June 3, 1916, chapter 134 (formerly 32 U.S.C. 115 (1st sentence)).

In subsection (d), the words “notwithstanding section 115 of title 32” are omitted as surplusage.

In subsection (e), the words “if appropriate” are omitted as surplusage.

Editorial Notes

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-337, § 1676(a)(3), substituted “12105, 12213(a), or 12214(a)” for “3259, 3352(a), 8259, or 8352(a)”.

Subsecs. (d), (e). Pub. L. 103-337, § 1630(2), added subsec. (d) and struck out former subsecs. (d) and (e) which read as follows:

“(d) Except as provided in sections 1005 and 1006 of title 10, the Federal recognition of a second lieutenant of the Army National Guard who is discharged under section 3820(c) of title 10 for failure of promotion shall be withdrawn on the date of that discharge.

“(e) Except as provided in sections 1005 and 1006 of title 10, the Federal recognition of a reserve officer of the Air Force who is not recommended for promotion under section 8368(c)(1) or (2) of title 10, or who is found to be not qualified for Federal recognition under section 8368(d) or (e) of title 10, shall be withdrawn.”

1958—Subsec. (b)(1). Pub. L. 85-861, §33(c)(2), substituted “the Regular Army or the Army National Guard of the United States, or both” for “a regular or reserve component of the Army”.

Subsec. (b)(2). Pub. L. 85-861, §33(c)(2), substituted “the Regular Air Force or the Air National Guard of the United States, or both” for “a regular or reserve component of the Air Force”.

Subsecs. (d), (e). Pub. L. 85-861, §2(11), added subsecs. (d) and (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1676(a)(3) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, and amendment by section 1630(2) of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by section 33(c)(2) of 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.

SUSPENSION OF SUBSECTION (d) OF THIS SECTION

For authority of the President to suspend subsec. (d) of this section in time of war or emergency declared by Congress, see section 111 of this title.

§ 324. Discharge of officers; termination of appointment

(a) An officer of the National Guard shall be discharged when—

- (1) he becomes 64 years of age; or
- (2) his Federal recognition is withdrawn.

The official who would be authorized to appoint him shall give him a discharge certificate.

(b) Subject to subsection (a), the appointment of an officer of the National Guard may be terminated or vacated as provided by the laws of the State of whose National Guard he is a member, or by the laws of the Commonwealth of Puerto Rico, or the District of Columbia, Guam, or the Virgin Islands, of whose National Guard he is a member.

(c) Notwithstanding subsection (a)(1), an officer of the National Guard serving as a chaplain, medical officer, dental officer, nurse, veterinarian, Medical Service Corps officer, or biomedical sciences officer may be retained, with the officer's consent, until the date on which the officer becomes 68 years of age.

(Aug. 10, 1956, ch. 1041, 70A Stat. 607; Pub. L. 100-456, div. A, title XII, §1234(b)(6), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title X, §1057(b)(5), Jan. 6, 2006, 119 Stat. 3441; Pub. L. 110-417, [div. A], title V, §516(b), Oct. 14, 2008, 122 Stat. 4442; Pub. L. 111-383, div. A, title X, §1075(h)(4)(C), Jan. 7, 2011, 124 Stat. 4377.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
324(a)	32:114 (less 1st sentence).	June 3, 1916, ch. 134, § 77; restated June 15, 1933, ch. 87, § 14; restated June 19, 1935, ch. 277, § 4, 49 Stat. 391; July 9, 1952, ch. 608, § 803 (11th par.), 66 Stat. 505.
324(b)	32:114 (1st sentence).	

In subsection (a), the words “shall be discharged” are substituted for the words “shall thereupon cease to be a member thereof” since an official is required to give the officer a discharge certificate. The words “becomes 64 years of age” are substituted for the words “upon reaching the age of sixty-four years”. The words “his Federal recognition is withdrawn” are substituted for the words “When Federal recognition is withdrawn * * * as provided in section 115 of this title”.

In subsection (b), the words “Subject to subsection (a)” are inserted for clarity. The words “as provided by the laws” are substituted for the words “in such manner as * * * shall provide by law”.

Editorial Notes

AMENDMENTS

2011—Subsec. (b). Pub. L. 111-383 amended directory language of Pub. L. 109-163, §1057(b)(5). See 2006 Amendment note below.

2008—Subsec. (c). Pub. L. 110-417 added subsec. (c).

2006—Subsec. (b). Pub. L. 109-163, §1057(b)(5), as amended by Pub. L. 111-383, substituted “State of whose National Guard he is a member, or by the laws of the Commonwealth of Puerto Rico, or the District of Columbia, Guam, or the Virgin Islands, of whose National Guard he is a member” for “State or Territory of whose National Guard he is a member, or by the laws of Puerto Rico or the District of Columbia, if he is a member of its National Guard”.

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title X, §1075(h), Jan. 7, 2011, 124 Stat. 4377, provided that the amendment made by section 1075(h)(4)(C) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109-163 as enacted.

§ 325. Relief from National Guard duty when ordered to active duty

(a) RELIEF REQUIRED.—(1) Except as provided in paragraph (2), each member of the Army National Guard of the United States or the Air National Guard of the United States who is ordered to active duty is relieved from duty in the National Guard of his State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands or the District of Columbia, as the case may be, from the effective date of his order to active duty until he is relieved from that duty.

(2) An officer of the Army National Guard of the United States or the Air National Guard of the United States is not relieved from duty in the National Guard of his State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands or the District of Columbia, under paragraph (1) while serving on active duty if—

(A) the President authorizes such service in both duty statuses; and

(B) the Governor of his State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the

District of Columbia National Guard, as the case may be, consents to such service in both duty statuses.

(b) **ADVANCE AUTHORIZATION AND CONSENT.**—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.

(c) **RETURN TO STATE STATUS.**—So far as practicable, members, organizations, and units of the Army National Guard of the United States or the Air National Guard of the United States ordered to active duty shall be returned to their National Guard status upon relief from that duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 607; Pub. L. 100-456, div. A, title XII, §1234(b)(6), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 108-136, div. A, title V, §516, Nov. 24, 2003, 117 Stat. 1461; Pub. L. 109-163, div. A, title X, §1057(b)(6), Jan. 6, 2006, 119 Stat. 3442; Pub. L. 110-417, [div. A], title V, §517, Oct. 14, 2008, 122 Stat. 4442.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
325(a)	50:1120.	July 9, 1952, ch. 608,
325(b)	50:1122(b) (less last 17 words).	§§ 710, 712(b) (less last 17 words), 66 Stat. 503, 504.

In subsection (a), the words “in the service of the United States” are omitted as surplusage. The words “effective date of his order to active duty until he is relieved from that duty” are substituted for the words “active-duty date of the orders and for as long as they remain on active duty in the service of the United States”. 50:1120 (last sentence) is omitted as surplusage, since the persons involved are members of the Army or the Air Force.

In subsection (b), the words “upon relief from that duty” are substituted for the words “upon being relieved from active duty”. The words “their National Guard status” are substituted for the words “to the National Guard and Air National Guard in their respective States, Territories, and the District of Columbia”.

Editorial Notes

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-417, §517(a), struck out “in command of a National Guard unit” after “active duty” in introductory provisions.

Subsecs. (b), (c). Pub. L. 110-417, §517(b), added subsec. (b) and redesignated former subsec. (b) as (c).

2006—Subsec. (a). Pub. L. 109-163 substituted “State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands” for “State or Territory, or of Puerto Rico” in par. (1) and introductory provisions of par. (2) and “State or Territory or Puerto Rico” in par. (2)(B).

2003—Subsec. (a). Pub. L. 108-136, §516(a), substituted “(a) RELIEF REQUIRED.—(1) Except as provided in paragraph (2), each” for “(a) Each” and added par. (2).

Subsec. (b). Pub. L. 108-136, §516(b), inserted heading. 1988—Subsec. (a). Pub. L. 100-456 struck out “, the Canal Zone,” after “Puerto Rico”.

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authority of President under this section delegated to the Secretary of Defense, see Memo-

randum of President of the United States, Apr. 14, 2011, 76 F.R. 22003, set out as a note under section 315 of this title.

NATIONAL GUARD SUPPORT FOR 2004 DEMOCRATIC AND REPUBLICAN NATIONAL CONVENTIONS AND OTHER APPROPRIATE EVENTS

Memorandum of President of the United States, July 23, 2004, 69 F.R. 46397, which delegated to the Secretary of Defense the functions and authority of the President under this section, was superseded by Memorandum of President of the United States, Apr. 14, 2011, 69 F.R. 22003, set out as a note under section 315 of this title.

§ 326. Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures

In the National Guard not in Federal service, there are general, special, and summary courts-martial constituted like similar courts of the Army and the Air Force. They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures, provided for those courts. Punishments shall be as provided by the laws of the respective States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608; Pub. L. 107-314, div. A, title V, §512(a), Dec. 2, 2002, 116 Stat. 2537; Pub. L. 109-163, div. A, title X, §1057(b)(7), Jan. 6, 2006, 119 Stat. 3442.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
326	32:91.	June 3, 1916, ch. 134, §102, 39 Stat. 208.

The words “not in Federal service” are substituted for the words “Except in organizations in the service of the United States”. The words “have the jurisdiction and powers” are substituted for the words “and have cognizance of the same subjects, and possess like powers”. The words “of three kinds, namely”, “provided for by the laws and regulations governing”, “proceedings of courts-martial of the National Guard”, and “modes of” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-163 substituted “States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands” for “States and Territories, Puerto Rico, and the District of Columbia”.

2002—Pub. L. 107-314 inserted at end “Punishments shall be as provided by the laws of the respective States and Territories, Puerto Rico, and the District of Columbia.”

§ 327. Courts-martial of National Guard not in Federal service: convening authority

(a) In the National Guard not in Federal service, general, special, and summary courts-martial may be convened as provided by the laws of the respective States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(b) In the National Guard not in Federal service—

(1) general courts-martial may be convened by the President;

(2) special courts-martial may be convened—

(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where members of the National Guard are on duty; or

(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command; and

(3) summary courts-martial may be convened—

(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where members of the National Guard are on duty; or

(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment.

(c) The convening authorities provided under subsection (b) are in addition to the convening authorities provided under subsection (a).

(Aug. 10, 1956, ch. 1041, 70A Stat. 608; Pub. L. 100-456, div. A, title XII, §1234(b)(4), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 107-314, div. A, title V, §512(b), Dec. 2, 2002, 116 Stat. 2537; Pub. L. 109-163, div. A, title X, §1057(b)(7), Jan. 6, 2006, 119 Stat. 3442.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
327(a)	32:92 (1st 46 words).	June 3, 1916, ch. 134, §103,
327(b)	32:92 (less 1st 46 words).	39 Stat. 208.

In subsection (a), the words “Federal service” are substituted for the words “service of the United States”.

In subsection (b), the words “A general court-martial may sentence to—” are substituted for the words “and such courts shall have the power to impose * * * to sentence”. The words “any combination of these punishments” are substituted for the words “or any two or more of such punishments may be combined in the sentences imposed by such courts”.

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted “States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands” for “States and Territories, Puerto Rico, and the District of Columbia”.

2002—Pub. L. 107-314 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) In the National Guard not in Federal service, general courts-martial may be convened by the President or by the governor of a State or Territory or Puerto Rico or by the commanding general of the National Guard of the District of Columbia.

“(b) A general court-martial may sentence to—

“(1) a fine of not more than \$200;

“(2) forfeiture of pay and allowances;

“(3) a reprimand;

“(4) dismissal or dishonorable discharge;

“(5) reduction of a noncommissioned officer to the ranks; or

“(6) any combination of these punishments.”

1988—Subsec. (a). Pub. L. 100-456 substituted “Territory or Puerto Rico” for “Territory, Puerto Rico, or the Canal Zone,”.

Statutory Notes and Related Subsidiaries

MODELS FOR STATE CODE OF MILITARY JUSTICE AND STATE MANUAL FOR COURTS-MARTIAL

Pub. L. 107-314, div. A, title V, §512(e), Dec. 2, 2002, 116 Stat. 2537, provided that:

“(1) The Secretary of Defense shall prepare a model State code of military justice and a model State manual for courts-martial to recommend to the States for use with respect to the National Guard not in Federal service. Both such models shall be consistent with the recommendations contained in the report that was issued in 1998 by the Department of Defense Panel to Study Military Justice in the National Guard not in Federal Service.

“(2) The Secretary shall ensure that adequate support for the preparation of the model State code of military justice and the model State manual for courts-martial (including the detailing of attorneys and other personnel) is provided by the General Counsel of the Department of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau.

“(3) If the funds available to the Chief of the National Guard Bureau are insufficient for paying the cost of the National Guard Bureau support required under paragraph (2) (including increased costs of pay of members of the National Guard for additional active duty necessitated by such requirement and increased cost of detailed attorneys and other staff, allowances, and travel expenses related to such support), the Secretary shall, upon request made by the Chief of the Bureau, provide such additional funding as the Secretary determines necessary to satisfy the requirement for such support.

“(4) Not later than one year after the date of the enactment of this Act [Dec. 2, 2002], the Secretary shall submit a report on the actions taken to carry out this subsection to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The report shall include proposals in final form of both the model State code of military justice and the model State manual for courts-martial required by paragraph (1), together with a discussion of the efforts being made to present those proposals to the States for their consideration for enactment or adoption, respectively.

“(5) In this subsection, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.”

§ 328. Active Guard and Reserve duty: Governor’s authority

(a) **AUTHORITY.**—The Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform Active Guard and Reserve duty, as defined by section 101(d)(6) of title 10, pursuant to section 502(f) of this title.

(b) **DUTIES.**—A member of the National Guard performing duty under subsection (a) may perform the additional duties specified in section 502(f)(2) of this title to the extent that the performance of those duties does not interfere with the performance of the member’s primary Active Guard and Reserve duties of organizing, administering, recruiting, instructing, and training the reserve components.

(Added Pub. L. 109-364, div. A, title V, §526(a), Oct. 17, 2006, 120 Stat. 2196.)

Editorial Notes

PRIOR PROVISIONS

A prior section 328, act Aug. 10, 1956, ch. 1041, 70A Stat. 608, related to special courts-martial of the Na-

tional Guard not in Federal service, prior to repeal by Pub. L. 107–314, div. A, title V, §512(c), Dec. 2, 2002, 116 Stat. 2537, applicable with respect to courts-martial convened after Dec. 2, 2002.

[§§ 329 to 333. Repealed. Pub. L. 107–314, div. A, title V, § 512(c)(1), Dec. 2, 2002, 116 Stat. 2537]

Section 329, act Aug. 10, 1956, ch. 1041, 70A Stat. 608, related to summary courts-martial of National Guard not in Federal service.

Section 330, act Aug. 10, 1956, ch. 1041, 70A Stat. 609, related to confinement instead of fine for a court-martial in the National Guard not in Federal service.

Section 331, acts Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100–456, div. A, title XII, §1234(b)(3), Sept. 29, 1988, 102 Stat. 2059, related to sentence of dismissal or dishonorable discharge in the National Guard not in Federal service.

Section 332, act Aug. 10, 1956, ch. 1041, 70A Stat. 609, authorized the president of a court-martial or a summary court officer to compel attendance of accused and witnesses in the National Guard not in Federal service.

Section 333, acts Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100–456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059, related to execution of process and sentence of courts-martial in the National Guard not in Federal service.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 107–314, div. A, title V, §512(c)(2), Dec. 2, 2002, 116 Stat. 2537, provided that: “The provisions of law repealed by paragraph (1) [repealing sections 328 to 333 of this title] shall continue to apply with respect to courts-martial convened in the National Guard not in Federal service before the date of the enactment of this Act [Dec. 2, 2002].”

[§ 334. Repealed. Pub. L. 97–124, § 3, Dec. 29, 1981, 95 Stat. 1666]

Section, added Pub. L. 94–464, §2(b), Oct. 8, 1976, 90 Stat. 1986; amended Pub. L. 96–513, title V, §515(3), Dec. 12, 1980, 94 Stat. 2937, provided for the payment of malpractice liability of National Guard Medical personnel. See sections 1089(a) of Title 10, Armed Forces, and 2671 of Title 28, Judiciary and Judicial Procedure.

Statutory Notes and Related Subsidiaries

AMENDMENT AFTER REPEAL

Pub. L. 97–258, §3(h)(1), Sept. 13, 1982, 96 Stat. 1065, purported to substitute “section 1304 of title 31” for “section 1302 of the Act of July 27, 1956, (31 U.S.C. 724a)” in subsec. (a) of section 334 of this title, without reference to the earlier repeal of that section by Pub. L. 97–124, § 3, Dec. 29, 1981, 95 Stat. 1666.

EFFECTIVE DATE OF REPEAL

Repeal effective only with respect to claims arising on or after Dec. 29, 1981, see section 4 of Pub. L. 97–124, set out as an Effective Date of 1981 Amendment note under section 1089 of Title 10, Armed Forces.

[§ 335. Repealed. Pub. L. 98–525, title IV, § 414(b)(2)(A), Oct. 19, 1984, 98 Stat. 2519]

Section, added Pub. L. 98–94, title V, §504(b)(1), Sept. 24, 1983, 97 Stat. 632, related to status of certain members of the National Guard performing full-time duty.

CHAPTER 5—TRAINING

Sec.	
501.	Training generally.
502.	Required drills and field exercises.
503.	Participation in field exercises.

Sec.	
504.	National Guard schools and small arms competitions.
505.	Army and Air Force schools and field exercises.
506.	Assignment and detail of members of Regular Army or Regular Air Force for instruction of National Guard.
507.	Instruction in firing; supply of ammunition.
508.	Assistance for certain youth and charitable organizations.
509.	National Guard Youth Challenge Program of opportunities for civilian youth.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108–375, div. A, title V, §594(b)(2), Oct. 28, 2004, 118 Stat. 1936, substituted “National Guard Youth Challenge” for “National Guard Challenge” in item 509.

1997—Pub. L. 105–85, div. A, title X, §1076(b), Nov. 18, 1997, 111 Stat. 1914, added item 509.

1994—Pub. L. 103–337, div. A, title III, §385(b), Oct. 5, 1994, 108 Stat. 2742, added item 508.

§ 501. Training generally

(a) The discipline, including training, of the Army National Guard shall conform to that of the Army. The discipline, including training, of the Air National Guard shall conform to that of the Air Force.

(b) The training of the National Guard shall be conducted by the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands in conformity with this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; 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)(7), Jan. 6, 2006, 119 Stat. 3442.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501(a)	32:61 (1st 24 words).	June 3, 1916, ch. 134, §91,
501(b)	32:61 (less 1st 24 words).	39 Stat. 206.

In subsection (a), the words “that of” are substituted for the words “the system which is or may be prescribed for”. The word “Army” is substituted for the words “Regular Army”, since the Army is the category for which the discipline and training is prescribed and the Regular Army is a personnel category for which no discipline and training is prescribed. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

Editorial Notes

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–163 substituted “States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands” for “States and Territories, Puerto Rico, and the District of Columbia”.

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

Statutory Notes and Related Subsidiaries

**PILOT PROGRAM ON REGIONAL CYBERSECURITY
TRAINING CENTER FOR THE ARMY NATIONAL GUARD**

Pub. L. 115–232, div. A, title XVI, §1651, Aug. 13, 2018, 132 Stat. 2139, as amended by Pub. L. 116–283, div. A,

title XVII, §1743, Jan. 1, 2021, 134 Stat. 4135, provided that:

“(a) PILOT PROGRAM.—The Secretary of the Army may carry out a pilot program under which the Secretary establishes a National Guard training center to provide collaborative interagency education and training for members of the Army National Guard.

“(b) CENTER.—

“(1) TRAINING AND COOPERATION.—If the Secretary carries out the pilot program under subsection (a), the Secretary should ensure that the training center established under such subsection—

“(A) educates and trains members of the Army National Guard quickly and efficiently by concurrently training cyber protection teams and cyber network defense teams on a common standard in order to defend—

“(i) the information network of the Department of Defense in a State environment;

“(ii) while acting under title 10, United States Code, the information networks of State governments; and

“(iii) critical infrastructure;

“(B) fosters interagency cooperation by—

“(i) co-locating members of the Army National Guard with personnel of departments and agencies of the Federal Government and State governments; and

“(ii) providing an environment to develop interagency relationship to coordinate responses and recovery efforts during and following a cyber attack;

“(C) collaborates with academic institutions to develop and implement curriculum for interagency education and training within the classroom; and

“(D) coordinates with the Persistent Cyber Training Environment of the Army Cyber Command in devising and implementing interagency education and training using physical and information technology infrastructure.

“(2) LOCATIONS.—If the Secretary carries out the pilot program under subsection (a), the Secretary may select one National Guard facility at which to carry out the pilot program. The Secretary may select a facility that is located in an area that meets the following criteria:

“(A) The location has a need for cyber training, as measured by both the number of members of the Army National Guard that would apply for such training and the number of units of the Army National Guard that verify the unit would apply for such training.

“(B) The location has high capacity information and telecommunications infrastructure, including high speed fiber optic networks.

“(C) The location has personnel, technology, laboratories, and facilities to support proposed activities and has the opportunity for ongoing training, education, and research.

“(c) ACTIVITIES.—If the Secretary carries out the pilot program under subsection (a), the Secretary should ensure that the pilot program includes the following activities:

“(1) Providing joint education and training and accelerating training certifications for working in a cyber range.

“(2) Integrating education and training between the National Guard, law enforcement, and emergency medical and fire first responders.

“(3) Providing a program to continuously train the cyber network defense teams to not only defend the information network of the Department of Defense, but to also provide education and training on how to use defense capabilities of the team in a State environment.

“(4) Developing curriculum and educating the National Guard on the different missions carried out under titles 10 and 32, United States Code, in order to enhance interagency coordination and create a common operating picture.

“(d) NOTIFICATION REQUIRED.—If the Secretary carries out the pilot program under subsection (a), the Secretary shall provide immediate notification to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that includes information relating to the resources required to carry out such pilot program, identification of units to be trained, the location of such training, and a description of agreements with Federal, State, local, and private sector entities.

“(e) SUNSET.—The authority provided under this section shall expire on August 31, 2022.”

TRAINING FOR NATIONAL GUARD PERSONNEL ON WILDFIRE RESPONSE

Pub. L. 115-91, div. A, title III, §351, Dec. 12, 2017, 131 Stat. 1367, provided that: “The Secretary of the Army and the Secretary of the Air Force may, in consultation with the Chief of the National Guard Bureau, provide support for training of appropriate personnel of the National Guard on wildfire response and prevention, with preference given to military installations with the highest wildfire suppression need.”

DEMONSTRATION PROJECT TO INCREASE RESERVE COMPONENT INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES

Pub. L. 106-398, §1 [[div. A], title III, §390], Oct. 30, 2000, 114 Stat. 1654, 1654A-90, provided that:

“(a) AUTHORIZATION AND PURPOSE OF PROJECT.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, may carry out a demonstration project in rural communities that are unserved or underserved by the telecommunications medium known as the Internet to provide or increase Internet access and services to units and members of the National Guard and other reserve components located in these communities.

“(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary may—

“(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

“(2) provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

“(c) REPORT.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities conducted under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.”

PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES

Pub. L. 102-484, div. A, title III, §376, Oct. 23, 1992, 106 Stat. 2385, as amended by Pub. L. 103-160, div. A, title III, §365, Nov. 30, 1993, 107 Stat. 1629; Pub. L. 103-337, div. A, title III, §384, Oct. 5, 1994, 108 Stat. 2741, provided that:

“(a) PILOT PROGRAM.—The Chief of the National Guard Bureau shall enter into an agreement, approved by the Secretary of Defense, with each of the Governors of one or more States to carry out a pilot program during fiscal years 1993, 1994, and 1995 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.

“(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National

Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.

“(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

“(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.

“(d) MAINTENANCE OF EFFORT.—The Chief of the National Guard Bureau shall ensure that each agreement under subsection (a) provides that the provision of services under the pilot program will supplement and increase the level of services that would be provided with non-Federal funds in the absence of such services, and will in no event supplant services provided with non-Federal funds.

“(e) COORDINATION AMONG PROGRAMS.—In carrying out the pilot program under subsection (a), the Chief of the National Guard Bureau shall consult with the Secretary of Health and Human Services for the purpose of ensuring that the provision of services under the pilot program are not redundant with the services of programs of such Secretary.

“(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member's Federal status as a member of the National Guard of a State under section 270 [see 10147] of title 10, United States Code, and section 502 of title 32, United States Code.

“(g) REPORT.—The Secretary of Defense shall, not later than January 1, 1995, submit to the Congress a report on the effectiveness of the pilot program and any recommendations with respect to the pilot program.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘health care’ includes the following services:

“(A) Medical care services.

“(B) Dental care services.

“(C) Transportation, by air ambulance or other means, for medical reasons.

“(2) The term ‘Governor’, with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

“(3) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”

NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM

Pub. L. 104-106, div. A, title V, §573, Feb. 10, 1996, 110 Stat. 355, continued the authority to carry out the pilot program under section 1091 of Pub. L. 102-484 for 18 months beyond Feb. 10, 1996, and limited the number of programs authorized to be carried out.

Pub. L. 102-484, div. A, title X, §1091, Oct. 23, 1992, 106 Stat. 2519, as amended by Pub. L. 103-82, title I, §104(e)(1)(A), (C), Sept. 21, 1993, 107 Stat. 846; Pub. L. 103-160, div. A, title XI, §1174, Nov. 30, 1993, 107 Stat. 1767; Pub. L. 103-382, title III, §391(o), Oct. 20, 1994, 108 Stat. 4024; Pub. L. 105-85, div. A, title X, §1073(d)(2)(B), Nov. 18, 1997, 111 Stat. 1905, authorized a pilot program known as the National Guard Civilian Youth Opportunities Program during fiscal years 1993 through 1995 to provide help to selected secondary school dropouts through military-based training. See section 509 of this title.

§ 502. Required drills and field exercises

(a) Under regulations to be prescribed by the Secretary of the Army or the Secretary of the

Air Force, as the case may be, each company, battery, squadron, and detachment of the National Guard, unless excused by the Secretary concerned, shall—

(1) assemble for drill and instruction, including indoor target practice, at least 48 times each year; and

(2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises, at least 15 days each year.

However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such training if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard.

(b) An assembly for drill and instruction may consist of a single ordered formation of a company, battery, squadron, or detachment, or, when authorized by the Secretary concerned, a series of ordered formations of parts of those organizations. However, to have a series of formations credited as an assembly for drill and instruction, all parts of the unit must be included in the series within 90 consecutive days.

(c) The total attendance at the series of formations constituting an assembly shall be counted as the attendance at that assembly for the required period. No member may be counted more than once or receive credit for more than one required period of attendance, regardless of the number of formations that he attends during the series constituting the assembly for the required period.

(d) No organization may receive credit for an assembly for drill or indoor target practice unless—

(1) the number of members present equals or exceeds the minimum number prescribed by the President;

(2) the period of military duty or instruction for which a member is credited is at least one and one-half hours; and

(3) the training is of the type prescribed by the Secretary concerned.

(e) An appropriately rated member of the National Guard who performs an aerial flight under competent orders may receive credit for attending drill for the purposes of this section, if the flight prevented him from attending a regularly scheduled drill.

(f)(1) Under regulations to be prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, a member of the National Guard may—

(A) without his consent, but with the pay and allowances provided by law; or

(B) with his consent, either with or without pay and allowances;

be ordered to perform training or other duty in addition to that prescribed under subsection (a).

(2) The training or duty ordered to be performed under paragraph (1) may include the following:

(A) Support of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense.

(B) Support of training operations and training missions assigned in whole or in part to the National Guard by the Secretary con-

cerned, but only to the extent that such training missions and training operations—

(i) are performed in the United States or the Commonwealth of Puerto Rico or possessions of the United States; and

(ii) are only to instruct active duty military, foreign military (under the same authorities and restrictions applicable to active duty troops), Department of Defense contractor personnel, or Department of Defense civilian employees.

(3) Duty without pay shall be considered for all purposes as if it were duty with pay.

(Aug. 10, 1956, ch. 1041, 70A Stat. 610; Pub. L. 88-621, §1(1), Oct. 3, 1964, 78 Stat. 999; Pub. L. 90-168, §4, Dec. 1, 1967, 81 Stat. 526; Pub. L. 92-156, title III, §303(b), Nov. 17, 1971, 85 Stat. 425; Pub. L. 103-160, div. A, title V, §524(b), Nov. 30, 1993, 107 Stat. 1657; Pub. L. 109-364, div. A, title V, §525(c), Oct. 17, 2006, 120 Stat. 2195.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
502(a)	32:62 (1st sentence, less proviso).	June 3, 1916, ch. 134, §92; restated June 3, 1924, ch. 244, §2; restated Oct. 14, 1940, ch. 875, §2, 54 Stat. 1135; Mar. 25, 1948, ch. 157, §5(a), 62 Stat. 90.
502(b)	32:62 (proviso of 1st sentence).	
502(c)	32:62 (last sentence, less 1st, 2d, and 3d provisos).	
502(d)	32:62 (1st proviso of last sentence).	
502(e)	32:62 (2d and 3d provisos of last sentence).	

In subsection (a), the words “including target practice” and “such company, troop, battery, or detachment shall have been * * * from participation in any part thereof” are omitted as surplusage.

In subsections (a) and (b), the word “troop” is omitted as obsolete.

In subsection (b), the words “parts of those organizations” are substituted for the words “subdivisions or parts thereof”. The words “but in the latter case”, “of subdivisions or groups”, “comprehend”, and “the time limit of” are omitted as surplusage.

In subsection (c), the word “member” is substituted for the words “officer, warrant officer, or enlisted man”. The words “series of formations” are substituted for the words “separate consecutive formations announced”. The words “regardless of the number of formations that he attends during the series” are substituted for the words “even though he may have attended more than one of the formations”. The words “sum”, “actual military”, and “of time” are omitted as surplusage. 32:62 (4th proviso of last sentence) is omitted as superseded by section 683 of title 10. 32:62 (last proviso of last sentence) is omitted as superseded by section 501(b) of the Career Compensation Act of 1949, 63 Stat. 826 (37 U.S.C. 301(b)).

In subsection (d), the word “members” is substituted for the words “officers and enlisted men”. The words “for which a member is credited” are substituted for the words “participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present”. The words “for duty at such assembly”, “actual”, and “character of” are omitted as surplusage.

In subsection (e), the word “member” is substituted for the words “officer or enlisted man”. The words “Air Corps * * * assigned to an Air Corps unit thereof, or * * * an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate authority” are omitted, since the revised subsection applies only to members who perform flights under competent orders and who are thereby prevented from attending a regular drill.

Editorial Notes

AMENDMENTS

2006—Subsec. (f). Pub. L. 109-364 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), struck out “Duty without pay shall be considered for all purposes as if it were duty with pay.” at end, and added pars. (2) and (3).

1993—Subsec. (b). Pub. L. 103-160 substituted “90 consecutive days” for “30 consecutive days” in second sentence.

1971—Subsec. (a). Pub. L. 92-156 inserted exception to training requirements where member served on active duty for one year or more if the training period falls during last one hundred and twenty days of required membership in National Guard.

1967—Subsec. (b). Pub. L. 90-168 substituted 30 consecutive days for seven consecutive days of the same calendar month as the time within which all parts of the unit must be included in a series of formations in order to be credited as an assembly for drill and instruction.

1964—Subsec. (f). Pub. L. 88-621 added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective first day of first calendar month following date of enactment of Pub. L. 90-168, which was approved Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 138 of Title 10, Armed Forces.

§ 503. Participation in field exercises

(a)(1) Under such regulations as the President may prescribe, the Secretary of the Army and the Secretary of the Air Force, as the case may be, may provide for the participation of the National Guard in encampments, maneuvers, outdoor target practice, or other exercises for field or coast-defense instruction, independently of or in conjunction with the Army or the Air Force, or both.

(2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters.

(b) Amounts necessary for the pay, subsistence, transportation, and other proper expenses of any part of the National Guard of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands participating in an exercise under subsection (a) may be set aside from funds allocated to it from appropriations for field or coast-defense instruction.

(c) Members of the National Guard participating in an exercise under subsection (a) may, after being mustered, be paid for the period beginning with the date of leaving home and ending with the date of return, as determined in advance. If otherwise correct, such a payment passes to the credit of the disbursing officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 610; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 104-106, div. A, title V, §517, Feb. 10, 1996, 110 Stat. 309; Pub. L. 109-163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503(a)	32:63 (1st 56 words).	June 3, 1916, ch. 134, §§ 94
503(b)	32:63 (less 1st 56 words).	(less last 43 words after semicolon), 98, 39 Stat. 206, 207.
503(c)	32:158.	

In subsection (a), the words “the whole or any part” and “any part of” are omitted as surplusage. The word “Army” is substituted for the words “Regular Army”, since the Army is the category that participates in the exercises, and the Regular Army is a personnel category only. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

In subsection (b), the words “Amounts necessary” are substituted for the words “such portion of said funds as may be necessary”. The words “participating in an exercise under subsection (a)” are substituted for the words “as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction”. The words “allocated to it from appropriations for field or coast-defense instruction” are substituted for the words “appropriated for that purpose and allocated to any State, Territory, or the District of Columbia”.

In subsection (c), the words “Members of the National Guard participating in an exercise under subsection (a)” are substituted for the words “When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under the provisions of this title”. The words “duly”, “at any time”, “rendezvous”, “both dates inclusive”, and “making the same” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2006—Subsec. (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”.

1996—Subsec. (a). Pub. L. 104-106 designated existing provisions as par. (1) and added par. (2).

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

§ 504. National Guard schools and small arms competitions

(a) Under regulations to be prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, members of the National Guard may—

- (1) attend schools conducted by the Army or the Air Force, as appropriate;
- (2) conduct or attend schools conducted by the National Guard; or
- (3) participate in small arms competitions.

(b) Activities authorized under subsection (a) for members of the National Guard of a State or territory, Puerto Rico, or the District of Columbia may be held inside or outside its boundaries.

(Aug. 10, 1956, ch. 1041, 70A Stat. 611; Pub. L. 88-621, §1(2), Oct. 3, 1964, 78 Stat. 999; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
504(a)	32:64 (1st sentence).	June 3, 1916, ch. 134, § 97
504(b)	32:64 (less 1st sentence).	(less last sentence); re-stated May 28, 1926, ch. 417, § 2 (less last sentence), 44 Stat. 674.

In subsection (a), the word “members” is substituted for the words “officers, warrant officers, and enlisted men”. The words “for the purpose” and “for that purpose” are omitted as surplusage.

In subsection (b), the words “Assemblies under subsection (a)” are substituted for the words “such assemblies”. The words “for members of the National Guard of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia * * * inside or outside of its boundaries” are substituted for the words “either within or without the State, Territory, or District of Columbia, to which the members of the National Guard designated to attend them shall belong”.

Editorial Notes

AMENDMENTS

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

1964—Pub. L. 88-621 substituted provisions authorizing the Secretaries of the Army and of the Air Force to issue regulations, for provisions authorizing the President to issue regulations, and provided that members of the National Guard may conduct or attend schools conducted by the National Guard.

§ 505. Army and Air Force schools and field exercises

Under such regulations as the President may prescribe and upon the recommendation of the governor of any State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands or of the commanding general of the National Guard of the District of Columbia, the Secretary of the Army may authorize a limited number of members of its Army National Guard to—

- (1) attend any service school except the United States Military Academy, and to pursue a regular course of study at the school; or
- (2) be attached to an organization of the branch of the Army corresponding to the organization of the Army National Guard to which the member belongs, for routine practical instruction at or near an Army post during field training or other outdoor exercise.

Similarly, the Secretary of the Air Force may authorize a limited number of members of the Air National Guard to—

- (1) attend any service school except the United States Air Force Academy, and to pursue a regular course of study at the school; or
- (2) be attached to an organization of the Air Force corresponding to the organization of the Air National Guard to which the member belongs, for routine practical instruction at an air base during field training or other outdoor exercise.

(Aug. 10, 1956, ch. 1041, 70A Stat. 611; Pub. L. 100-456, div. A, title XII, §1234(b)(4), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title X, §1057(b)(4), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
505	32:65.	June 3, 1916, ch. 134, § 99 (1st 133 words); re-stated Sept. 22, 1922, ch. 423, § 5 (1st 129 words); re-stated May 28, 1926, ch. 417, § 3 (1st 133 words), 44 Stat. 674.

The words “branch of the Army corresponding” are substituted for the words “same arm, corps, or depart-

ment”, to conform to sections 3063 and 3064 of title 10. In the second sentence, the words “organization of the Air Force corresponding” are substituted for the words “same arm, corps, or department”, since the Air Force is not organized by statute into branches, arms, corps, or departments. The word “members” is substituted for the words “officers, warrant officers, and enlisted men”. The words “service school” are substituted for the words “military-service school of the United States”. Reference to the United States Air Force Academy is inserted to reflect its establishment by the Air Force Academy Act (63 Stat. 47).

Editorial Notes

AMENDMENTS

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

1988—Pub. L. 100-456, which directed the substitution of “Territory or Puerto Rico” for “Territory, Puerto Rico, or the Canal Zone,” in subsec. (a), was executed to the introductory provisions of this section as the probable intent of Congress.

§ 506. Assignment and detail of members of Regular Army or Regular Air Force for instruction of National Guard

(a) The President shall assign for instruction of the National Guard such members of the Regular Army or the Regular Air Force as he considers necessary.

(b) The Secretary of the Army may detail members of the Regular Army to attend an encampment, maneuver, or other exercise, for field or coast-defense instruction of the Army National Guard. Similarly, the Secretary of the Air Force may detail members of the Regular Air Force to attend exercises for field or coast-defense instruction of the Air National Guard. Members so detailed shall instruct the members of the National Guard at the exercise, as directed by the Secretary concerned, or as requested by the governor or commanding officer of the National Guard there assembled.

(Aug. 10, 1956, ch. 1041, 70A Stat. 611.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
506(a)	32:66.	June 3, 1916, ch. 134, § 81 (1st sentence of 2d par., less 1st 7 words); added June 4, 1920, ch. 227, subch. I, § 44 (5th sentence, less 1st 6 words); restated Sept. 22, 1922 ch. 423, § 4 (6th sentence, less 1st 6 words); restated Feb. 28, 1925, ch. 371, § 3 (6th sentence, less 1st 6 words); restated June 15, 1933, ch. 87, § 16 (1st sentence of 2d par., less 1st 7 words), 48 Stat. 160.
506(b)	32:67.	June 3, 1916, ch. 134, § 96, 39 Stat. 207.

In subsection (a), the words “members of the Regular Army and the Regular Air Force” are substituted for the words “officers of the Regular Army” and “enlisted men of the Regular Army”.

In subsection (b), the words “members” is substituted for the words “officers and enlisted men”. The words “one or more”, “information”, and “encampment, maneuver, or other” are omitted as surplusage.

§ 507. Instruction in firing; supply of ammunition

Ammunition for instruction in firing and for target practice may be furnished, in such amounts as may be prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, to units of the National Guard encamped at a post, camp, or air base. The instruction shall be under the direction of a commissioned officer selected for that purpose by the proper military commander.

(Aug. 10, 1956, ch. 1041, 70A Stat. 612.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
507	32:71.	Jan. 21, 1903, ch. 196, § 21, 32 Stat. 779.

The words “post camp, or air base” are substituted for the words “military post or camp”. The words “such amounts” are omitted as surplusage. The words “National Guard” are substituted for the words “troops of the militia”, since the source statute historically applied only to the organized militia (see opinion of the Judge Advocate General of the Army (JAGA 1952/4374, 9 July 1952)). The word “commissioned” is inserted, since 32:71 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

§ 508. Assistance for certain youth and charitable organizations

(a) AUTHORITY TO PROVIDE SERVICES.—Members and units of the National Guard may provide the services described in subsection (b) to an eligible organization in conjunction with training required under this chapter in any case in which—

(1) the provision of such services does not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

(2) the services to be provided are not commercially available, or any commercial entity that would otherwise provide such services has approved, in writing, the provision of such services by the National Guard;

(3) National Guard personnel will enhance their military skills as a result of providing such services; and

(4) the provision of the services will not result in a significant increase in the cost of the training.

(b) AUTHORIZED SERVICES.—The services authorized to be provided under subsection (a) are as follows:

(1) Ground transportation.

(2) Air transportation in support of Special Olympics.

(3) Administrative support services.

(4) Technical training services.

(5) Emergency medical assistance and services.

(6) Communications services.

(c) OTHER AUTHORIZED ASSISTANCE.—Facilities and equipment of the National Guard, including military property of the United States issued to the National Guard and General Services Administration vehicles leased to the National

Guard, and General Services Administration vehicles leased to the Department of Defense, may be used in connection with providing services to any eligible organization under this section.

(d) **ELIGIBLE ORGANIZATIONS.**—The organizations eligible to receive services under this section are as follows:

- (1) The Boy Scouts of America.
- (2) The Girl Scouts of America.
- (3) The Boys Clubs of America.
- (4) The Girls Clubs of America.
- (5) The Young Men's Christian Association.
- (6) The Young Women's Christian Association.
- (7) The Civil Air Patrol.
- (8) The United States Olympic Committee.
- (9) The Special Olympics.
- (10) The Campfire Boys.
- (11) The Campfire Girls.
- (12) The 4-H Club.
- (13) The Police Athletic League.
- (14) Any other youth or charitable organization designated by the Secretary of Defense.

(Added Pub. L. 103-337, div. A, title III, §385(a), Oct. 5, 1994, 108 Stat. 2741.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

References to the United States Olympic Committee deemed to refer to the United States Olympic and Paralympic Committee, see section 220502(c) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

§ 509. National Guard Youth Challenge Program of opportunities for civilian youth

(a) **PROGRAM AUTHORITY AND PURPOSE.**—The Secretary of Defense may use the National Guard to conduct a civilian youth opportunities program, to be known as the “National Guard Youth Challenge Program”, which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.

(b) **CONDUCT OF THE PROGRAM.**—(1) The Secretary of Defense shall provide for the conduct of the Program in such States as the Secretary considers to be appropriate.

(2) The Secretary shall carry out the Program using—

(A) funds appropriated directly to the Secretary of Defense for the Program, except that the amount of funds appropriated directly to the Secretary and expended for the Program in fiscal year 2001 or 2002 may not exceed \$62,500,000; and

(B) nondefense funds made available or transferred to the Secretary of Defense by other Federal agencies to support the Program.

(3) Federal funds made available or transferred to the Secretary of Defense under paragraph

(2)(B) by other Federal agencies to support the Program may be expended for the Program in excess of the fiscal year limitation specified in paragraph (2)(A).

(4) The Secretary of Defense shall remain the executive agent to carry out the Program regardless of the source of funds for the Program or any transfer of jurisdiction over the Program within the executive branch. As provided in subsection (a), the Secretary may use the National Guard to conduct the Program.

(c) **PROGRAM AGREEMENTS.**—(1) To carry out the Program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard, under which the Governor or the commanding general will establish, organize, and administer the Program in the State.

(2) The agreement may provide for the Secretary to provide funds to the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the Program.

(d) **MATCHING FUNDS REQUIRED.**—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 75 percent of the costs of operating the State program during that fiscal year.

(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.

(e) **PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.**—A school dropout from secondary school shall be eligible to participate in the Program. The Secretary of Defense shall prescribe the standards and procedures for selecting participants from among school dropouts.

(f) **AUTHORIZED BENEFITS FOR PARTICIPANTS.**—(1) To the extent provided in an agreement entered into in accordance with subsection (c) and subject to the approval of the Secretary of Defense, a person selected for training in the Program may receive the following benefits in connection with that training:

(A) Allowances for travel expenses, personal expenses, and other expenses.

(B) Quarters.

(C) Subsistence.

(D) Transportation.

(E) Equipment.

(F) Clothing.

(G) Recreational services and supplies.

(H) Other services.

(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

(2) In the case of a person selected for training in the Program who afterwards becomes a member of the Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service

in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 158 of such Act (42 U.S.C. 12618).

(g) PROGRAM PERSONNEL.—(1) Personnel of the National Guard of a State in which the Program is conducted may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for the Program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of this title for not longer than the period of the Program.

(2) A Governor participating in the Program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the Program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out the Program in that State.

(3) Civilian employees of the National Guard performing services for the Program and contractor personnel performing such services may be required, when appropriate to achieve the purposes of the Program, to be members of the National Guard and to wear the military uniform.

(h) EQUIPMENT AND FACILITIES.—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the Program.

(2) Equipment and facilities of the Department of Defense may be used by the National Guard for purposes of carrying out the Program.

(3) Activities under the Program shall be considered noncombat activities of the National Guard for purposes of section 710 of this title.

(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the Program shall be considered an employee of the United States for the purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5 (relating to compensation of Federal employees for work injuries).

(B) Section 1346(b) and chapter 171 of title 28 and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a Program agreement referred to in subsection (c), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS-2 of the General Schedule under section 5332 of title 5; and

(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the Program is terminated.

(3) A person referred to in paragraph (1) may not be considered an employee of the United

States for any purpose other than a purpose set forth in that paragraph.

(j) SUPPLEMENTAL RESOURCES.—To carry out the Program in a State, the Governor of the State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement funds made available under the Program out of other resources (including gifts) available to the Governor or the commanding general. The Governor or the commanding general may accept, use, and dispose of gifts or donations of money, other property, or services for the Program.

(k) REPORT.—Within 90 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the design, conduct, and effectiveness of the Program during the preceding fiscal year. In preparing the report, the Secretary shall coordinate with the Governor of each State in which the Program is carried out and, if the Program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

(l) DEFINITIONS.—In this section:

(1) The term “State” includes the Commonwealth of Puerto Rico, the territories, and the District of Columbia.

(2) The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(3) The term “Program” means the National Guard Youth Challenge Program carried out pursuant to this section.

(m) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the 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; Pub. L. 108-375, div. A, title V, §594(a), (b)(1), Oct. 28, 2004, 118 Stat. 1935, 1936; Pub. L. 110-417, [div. A], title V, §594(a), Oct. 14, 2008, 122 Stat.

4475; Pub. L. 111–84, div. A, title V, § 593(a), Oct. 28, 2009, 123 Stat. 2337; Pub. L. 115–232, div. A, title V, § 519, Aug. 13, 2018, 132 Stat. 1754.)

Editorial Notes

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

2018—Subsec. (h)(2), (3). Pub. L. 115–232 added par. (2) and redesignated former par. (2) as (3).

2009—Subsec. (d)(1). Pub. L. 111–84 substituted “75 percent of the costs” for “60 percent of the costs”.

2008—Subsec. (d). Pub. L. 110–417 amended subsec. (d) generally. Prior to amendment, text read as follows: “The amount of assistance provided under this section to a State program of the Program may not exceed—

“(1) for fiscal year 1998, 75 percent of the costs of operating the State program during that year;

“(2) for fiscal year 1999, 70 percent of the costs of operating the State program during that year;

“(3) for fiscal year 2000, 65 percent of the costs of operating the State program during that year; and

“(4) for fiscal year 2001 and each subsequent fiscal year, 60 percent of the costs of operating the State program during that year.”

2004—Pub. L. 108–375, § 594(b)(1), amended section catchline generally, substituting “National Guard Youth” for “National Guard”.

Subsec. (a). Pub. L. 108–375, § 594(a)(1), substituted “National Guard Youth Challenge Program” for “National Guard Challenge Program” the first place it appeared and “Program” for “National Guard Challenge Program” the second place it appeared.

Subsec. (b)(1). Pub. L. 108–375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program”.

Subsec. (b)(2). Pub. L. 108–375, § 594(a)(2)(3), substituted “Program” for “National Guard Challenge Program” in introductory provisions and for “program” wherever appearing in subpars. (A) and (B).

Subsec. (b)(3). Pub. L. 108–375, § 594(a)(2)(3), substituted “Program” for “National Guard Challenge Program” before “may be expended” and for “program” before “in excess”.

Subsec. (b)(4). Pub. L. 108–375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” before “regardless” in first sentence and for “program” before “or any transfer” and “within” in first sentence and before period at end in second sentence.

Subsecs. (c) to (f). Pub. L. 108–375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program” wherever appearing in text.

Subsec. (g)(1). Pub. L. 108–375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” before “is conducted” in first sentence and for “program” before period at end of first and second sentences.

Subsec. (g)(2). Pub. L. 108–375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “Governor participating in the” and after “in carrying out the” and substituted “Program” for “program” after “National Guard is participating in the”.

Subsec. (g)(3). Pub. L. 108–375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “performing services for the” and for “program” after “purposes of the”.

Subsecs. (h), (i)(1). Pub. L. 108–375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program” wherever appearing.

Subsec. (i)(2)(A). Pub. L. 108–375, § 594(a)(3), substituted “Program” for “program”.

Subsec. (i)(2)(C). Pub. L. 108–375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program”.

Subsec. (j). Pub. L. 108–375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “To carry out the” in first sentence and before period at end of second sentence and substituted “Program” for “program” before “out of other resources” in first sentence.

Subsec. (k). Pub. L. 108–375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “effectiveness of the” in first sentence and after “State in which the” in second sentence and substituted “Program” for “program” before “is carried out in the District of Columbia” in second sentence.

Subsec. (l)(3). Pub. L. 108–375, § 594(a)(4), added par. (3).

Subsec. (m). Pub. L. 108–375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program” in introductory provisions.

Subsec. (m)(1) to (7). Pub. L. 108–375, § 594(a)(3), substituted “Program” for “program” wherever appearing. 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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, § 593(b), Oct. 28, 2009, 123 Stat. 2337, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–417, [div. A], title V, § 594(b), Oct. 14, 2008, 122 Stat. 4475, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.”

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

Sec.	
701.	Uniforms, arms, and equipment to be same as Army or Air Force.
702.	Issue of supplies.
703.	Purchases of supplies by States from Army or Air Force.
704.	Accountability: relief from upon order to active duty.
705.	Purchase of uniforms and equipment by officers of National Guard from Army or Air Force.
706.	Return of arms and equipment upon relief from Federal service.
707.	Use of public buildings for offices by instructors.
708.	Property and fiscal officers.
709.	Technicians: employment, use, status.
710.	Accountability for property issued to the National Guard.
711.	Disposition of obsolete or condemned property.
712.	Disposition of proceeds of condemned stores issued to National Guard.
713.	Official mail: free transmission.
714.	Final settlement of accounts: deceased members.
715.	Property loss; personal injury or death: activities under certain sections of this title.
716.	Claims for overpayment of pay and allowances, and travel and transportation allowances.
[717.]	Repealed.]

Editorial Notes

AMENDMENTS

2006—Pub. L. 109–163, div. A, title V, § 589(b)(2), Jan. 6, 2006, 119 Stat. 3279, struck out item 717 “Presentation of recognition items for retention purposes”.

2004—Pub. L. 108–375, div. A, title V, § 520(b)(2), Oct. 28, 2004, 118 Stat. 1887, added item 717.

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, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands 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; Pub. L. 109–163, div. A, title X, § 1057(b)(4), Jan. 6, 2006, 119 Stat. 3441.)

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”.

Editorial Notes

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

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

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-

stituted 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”.

Editorial Notes

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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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”.

Editorial Notes

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.

¹ See References in Text note below.

Editorial Notes

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.

§ 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, in consultation with the Chief of the National Guard Bureau, 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 prop-

erty 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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 614; Pub. L. 92-310, title II, §207, June 6, 1972, 86 Stat. 203; Pub. L. 95-79, title VIII, §804(b), July 30, 1977, 91 Stat. 333; Pub. L. 96-513, title V, §515(4), Dec. 12, 1980, 94 Stat. 2937; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 101-189, div. A, title VI, §653(g), Nov. 29, 1989, 103 Stat. 1463; Pub. L. 109-163, div. A, title X, §1057(b)(2), (4), Jan. 6, 2006, 119 Stat. 3441; Pub. L. 116-92, div. A, title V, §518, Dec. 20, 2019, 133 Stat. 1350.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
708(a)	32:49 (last sentence; and 2d sentence, less last 24 words).	June 3, 1916, ch. 134, §67 (last par.), 39 Stat. 200; July 9, 1918, ch. 143, subch. III (last par.); restated July 6, 1954, ch. 462, 58 Stat. 451.
708(b)	32:49 (3d and 4th sentences).	June 3, 1924, ch. 244, §5, 43 Stat. 365; July 6, 1954, ch. 462, 58 Stat. 451.
708(c)	32:49 (last 24 words of 2d sentence).	
708(d)	32:49 (5th and 6th sentences).	
708(e)	32:49 (last sentence, less 1st 18 words).	
708(f)	32:49 (1st 18 words of last sentence).	
708(g)	32:50.	

In subsection (b)(1), the words “the duties of that assignment” are substituted for the words “his duties as property and fiscal officer”. The words “be required to” are omitted as surplusage.

In subsection (b)(2), the words “of the National Guard for which he is property and fiscal officer” are substituted for the words “of the National Guard or Air National Guard of the State, Territory, or District of Columbia”.

In subsection (c), 32:49 (5th sentence) is omitted, since the officer concerned would be entitled, under section 201 of the Career Compensation Act of 1949 (37 U.S.C. 232), to the pay and allowances of the grade in which he is serving.

In subsection (e), the words “The Secretaries shall prescribe” are substituted for the words “which rules and regulations shall establish”. The word “duties” is omitted as surplusage.

In subsection (f), the words “rules and” and “the provisions of” are omitted as surplusage.

In subsection (g), the words “Under such regulations as may be prescribed by the Secretary of the Army” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “an officer” are substituted for the words “other officers”, since, under revised subsection (a), the property and fiscal officer is not required to be an officer of the National Guard. The words “accountable for public moneys” and “as agent” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92 inserted “, in consultation with the Chief of the National Guard Bureau,” after “shall”.

2006—Subsec. (a). Pub. L. 109-163, §1057(b)(4), substituted “State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands” for “State or Territory and Puerto Rico”.

Subsec. (d). Pub. L. 109-163, §1057(b)(2), substituted “State, the Commonwealth of Puerto Rico, the District

of Columbia, Guam, and the Virgin Islands” for “State or Territory, Puerto Rico, and the District of Columbia”.

1989—Subsec. (a). Pub. L. 101-189 substituted “The Governor of each State or Territory and Puerto Rico” for “The governor of each State and Territory, Puerto Rico, and the Canal Zone”.

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

1980—Subsec. (b). Pub. L. 96-513 redesignated pars. (2) and (3) as (1) and (2), respectively.

1977—Subsec. (d). Pub. L. 95-79, §804(b)(1), (2), redesignated subsec. (e) as (d). Former subsec. (d), which authorized inspections at least once a year by Inspectors General of the departments concerned, was struck out.

Subsec. (e). Pub. L. 95-79, §804(b)(2), (3), redesignated subsec. (f) as (e) and substituted “(d)” for “(e)”. Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 95-79, §804(b)(2), redesignated subsecs. (f) and (g) as (e) and (f), respectively.

1972—Subsec. (b)(1). Pub. L. 92-310 repealed provisions which related to the bond required of property and fiscal officers.

EFFECTIVE DATE OF 1980 AMENDMENT

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.

§ 709. Technicians: employment, use, status

(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsections (b) and (c), persons may be employed as technicians in—

(1) the organizing, administering, instructing, or training of the National Guard;

(2) the maintenance and repair of supplies issued to the National Guard or the armed forces; and

(3) the performance of the following additional duties to the extent that the performance of those duties does not interfere with the performance of the duties described by paragraphs (1) and (2):

(A) Support of operations or missions undertaken by the technician’s unit at the request of the President or the Secretary of Defense.

(B) Support of Federal training operations or Federal training missions assigned in whole or in part to the technician’s unit.

(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

(i) active-duty members of the armed forces;

(ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

(iii) Department of Defense contractor personnel; or

(iv) Department of Defense civilian employees.

(b) Except as authorized in subsection (c), a person employed under subsection (a) must meet each of the following requirements:

(1) Be a military technician (dual status) as defined in section 10216(a) of title 10.

(2) Be a member of the National Guard.

(3) Hold the military grade specified by the Secretary concerned for that position.

(4) While performing duties as a military technician (dual status), wear the uniform appropriate for the member's grade and component of the armed forces.

(c)(1) A person may be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician.

(2) The total number of non-dual status technicians in the National Guard is specified in section 10217(c)(2) of title 10.

(d) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

(e) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed in that position is required under subsection (b) to be a member of the National Guard.

(f) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

(1) a person employed under subsection (a) who is a military technician (dual status) and otherwise subject to the requirements of subsection (b) who—

(A) is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned; and

(B) fails to meet the military security standards established by the Secretary concerned for a member of a reserve component under his jurisdiction may be separated from employment as a military technician (dual status) and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

(2) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

(3) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

(4) a right of appeal which may exist with respect to paragraph (1), (2), or (3) shall not extend beyond the adjutant general of the jurisdiction concerned when the appeal concerns activity occurring while the member is in a military pay status, or concerns fitness for duty in the reserve components;

(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of sections 7511, 7512, and 7513 of title

5, and section 717 of the Civil Rights Act of 1991¹ (42 U.S.C. 2000e-16) shall apply; and

(6) a technician shall be notified in writing of the termination of his employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notification shall be given at least 30 days before the termination date of such employment.

(g)(1) Except as provided in subsection (f), sections 2108, 3502, 7511, and 7512 of title 5 do not apply to a person employed under this section.

(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).

(h) Notwithstanding sections 5544(a) and 6101(a) of title 5 or any other provision of law, the Secretary concerned may prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5 or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.

(j) In this section:

(1) The term "military pay status" means a period of service where the amount of pay payable to a technician for that service is based on rates of military pay provided for under title 37.

(2) The term "fitness for duty in the reserve components" refers only to military-unique service requirements that attend to military service generally, including service in the reserve components or service on active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 614; Pub. L. 87-224, §2, Sept. 13, 1961, 75 Stat. 496; Pub. L. 90-486, §2(1), Aug. 13, 1968, 82 Stat. 755; Pub. L. 92-119, §2, Aug. 13, 1971, 85 Stat. 340; Pub. L. 96-513, title V, §515(5)-(7), Dec. 12, 1980, 94 Stat. 2937; Pub. L. 103-160, div. A, title V, §§523(a), 524(c), (d), Nov. 30, 1993, 107 Stat. 1656, 1657; Pub. L. 103-337, div. A, title X, §1070(b)(2), (d)(5), Oct. 5, 1994, 108 Stat. 2856, 2858; Pub. L. 104-106, div. A, title X, §1038(a), Feb. 10, 1996, 110 Stat. 432; Pub. L. 105-85, div. A, title V, §522(c), Nov. 18, 1997, 111 Stat. 1735; Pub. L. 106-65, div. A, title V, §524, Oct. 5, 1999, 113 Stat. 599; Pub. L. 109-364, div. A, title V, §525(d), Oct. 17, 2006, 120 Stat. 2195; Pub. L. 114-328, div. A, title V, §§512(a), (b), 513, Dec. 23, 2016, 130 Stat. 2112, 2113.)

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
709(a)	32:42 (1st par.). 32:42a (less 28 words before 1st proviso).	June 3, 1916, ch. 134, § 90; restated June 4, 1920, ch. 227, subch. I, § 46; restated Mar. 1, 1922, ch. 90; restated June 6, 1924, ch. 275, § 5; restated May 28, 1926, ch. 417, § 1; Apr. 21, 1928, ch. 397; June 19, 1935, ch. 277, § 6; June 13, 1940, ch. 343 (1st proviso under "National Guard"); restated Oct. 14, 1940, ch. 875, § 1, 54 Stat. 1134.
709(b)	32:42 (2d par., and last sentence of 4th par.).	June 25, 1938, ch. 688, 52 Stat. 1173.
709(c)	32:42 (3d par.).	
709(d)	32:42 (4th par., less last sentence).	
709(e)	32:42 (last par., less proviso).	
709(f)	32:42a (28 words before 1st proviso). 32:42 (proviso of last par.).	

In subsection (a), the words "may be spent" are substituted for the words "shall be available". The reference to animals for military purposes and forage, bedding, and other supplies and services for them, is omitted as obsolete, since animals are not now authorized for the National Guard. The word "persons" is substituted for the word "help". The words "Army National Guard" and "Air National Guard" are substituted for the words "organizations of all kinds". The words "the support of" are omitted as surplusage. The words "A caretaker employed under this subsection" are substituted for the words "Moneys hereafter appropriated under the provisions of this title for compensation of help for care of material, animals, armament, and equipment, in the hands of the National Guard of the several States, Territories, and the District of Columbia shall be available for the hire of caretakers". The words "and other duties that do not interfere with the performance of his duties as caretaker" are substituted for 32:42a (1st proviso). 32:42a (2d and 3d provisos) is omitted as executed.

In subsection (b), the words "However, if a unit has more than one caretaker" are substituted for the words "but if there are as many as two caretakers in any unit". The words "under this section", in the first sentence of the revised subsection, are inserted for clarity. The words "under this section", in the second sentence of the revised subsection, are substituted for the words "paid to caretakers who belong to the National Guard, as herein authorized". The words "under any of the provisions of this title" are omitted as surplusage.

In subsection (c), the words "or organizations thereof" are omitted as surplusage.

In subsection (d), the words "one commissioned officer * * * in a grade below major * * * for each pool set up under subsection (c) and for each squadron of the Air National Guard" are substituted for the words "one such officer not above the grade of captain for each heavier-than-air squadron; and one such officer not above the grade of captain for each pool".

In subsection (e), the words "Funds appropriated by Congress" are substituted for the words "Funds hereafter appropriated under the provisions of this title for the support of", in 32:42, and "such moneys", in 32:42a. The words "are in addition to" are substituted for the words "shall be supplemental to", in 32:42, and "may be used as supplemental to", in 32:42a.

In subsection (f), the words "authorized to be employed under this section" are substituted for the words "authorized to be employed". The words "person to employ them" are substituted for the words "by whom they shall be employed". The words "by regulations" are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

Editorial Notes

REFERENCES IN TEXT

Section 717 of the Civil Rights Act of 1991, referred to in subsec. (f)(5), probably means section 717 of the Civil

Rights Act of 1964, Pub. L. 88-352, title VII, as added Pub. L. 92-261, § 11, Mar. 24, 1972, 86 Stat. 111, which is classified to section 2000e-16 of Title 42, The Public Health and Welfare. The Civil Rights Act of 1991 does not contain a section 717.

AMENDMENTS

2016—Subsec. (f)(4). Pub. L. 114-328, § 512(a)(1)(A), substituted "when the appeal concerns activity occurring while the member is in a military pay status, or concerns fitness for duty in the reserve components;" for "and".

Subsec. (f)(5), (6). Pub. L. 114-328, § 512(a)(1)(B), (C), added par. (5) and redesignated former par. (5) as (6).

Subsec. (g). Pub. L. 114-328, §§ 512(a)(2), 513, designated existing provisions as par. (1), substituted "Except as provided in subsection (f), sections" for "Sections", and added par. (2).

Subsec. (j). Pub. L. 114-328, § 512(b), added subsec. (j). 2006—Subsec. (a)(1). Pub. L. 109-364, § 525(d)(1)(A), substituted "organizing, administering, instructing, or" for "administration and".

Subsec. (a)(3). Pub. L. 109-364, § 525(d)(1)(B)–(3), added par. (3).

1999—Pub. L. 106-65 amended section catchline and text generally, revising and restating provisions relating to employment, use, and status of technicians.

1997—Subsec. (b). Pub. L. 105-85 substituted "A technician" for "Except as prescribed by the Secretary concerned, a technician".

1996—Subsec. (b). Pub. L. 104-106 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed, be a member of the National Guard and hold the military grade specified by the Secretary concerned for that position."

1994—Subsec. (e)(6). Pub. L. 103-337, § 1070(d)(5)(A), substituted "30 days before" for "thirty days prior to". Pub. L. 103-337, § 1070(b)(2), made technical correction to directory language of Pub. L. 103-160, § 524(c). See 1993 Amendment note below.

Subsec. (g)(2). Pub. L. 103-337, § 1070(d)(5)(B), substituted "paragraph (1)" for "clause (1) of this subsection".

1993—Subsec. (e)(6). Pub. L. 103-160, § 524(c), as amended by Pub. L. 103-337, § 1070(b)(2), inserted ", unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment," after "termination of his employment as a technician and".

Subsec. (h). Pub. L. 103-160, § 524(d), struck out subsec. (h) which read as follows: "In no event shall the number of technicians employed under this section at any one time exceed 53,100."

Subsec. (i). Pub. L. 103-160, § 523(a), added subsec. (i).

1980—Subsec. (f). Pub. L. 96-513, § 515(5), struck out "United States Code," after "title 5".

Subsec. (g). Pub. L. 96-513, § 515(6), substituted "6101(a) of title 5" for "6102 of title 5, United States Code," in two places, "5332 of title 5" for "5332 of title 5, United States Code" and "5543 of title 5" for "5543 of title 5, United States Code,".

Subsec. (h). Pub. L. 96-513, § 515(7), struck out limitation of 49,200 technicians employed during the fiscal year beginning July 1, 1971.

1971—Subsec. (h). Pub. L. 92-119 increased number of technicians employable under section from 42,500 to 53,100 with exception that such number is fixed at 49,200 for fiscal year beginning July 1, 1971.

1968—Pub. L. 90-486 substituted "Technicians: employment, use, status" for "Caretakers and clerks" in section catchline.

Subsec. (a). Pub. L. 90-486 substituted provisions that persons may be employed as technicians in administration and training of National Guard and maintenance and repair of supplies issued to National Guard or armed forces for provisions that authorized the Secre-

taries of the Army and the Air Force to hire, out of funds allotted to them for the Army National Guard and the Air National Guard, respectively competent persons to care for material, armament, and equipment of the Army National Guard and Air National Guard, and provisions that a caretaker so employed may also perform clerical duties incidental to his employment and other duties that do not interfere with performance of his duties as caretaker.

Subsec. (b). Pub. L. 90-486 substituted provisions requiring, except as prescribed by the Secretary concerned, any technician employed to be a member of the National Guard and hold the military grade specified by the Secretary concerned for that position for provisions permitting civilians as well as enlisted men to be employed as caretakers, provided that if a unit has more than one caretaker, one of them must be an enlisted member, and provisions that any compensation under this section is in addition to compensation otherwise provided for a member of the National Guard.

Subsec. (c). Pub. L. 90-486 substituted provisions authorizing the Secretary concerned to designate adjutants general to employ and administer the technicians authorized by this section for provisions authorizing the Secretary concerned to place in a common pool for care, maintenance, and storage the material, armament, and equipment of the Army National Guard or Air National Guard, with proviso that not more than 15 caretakers be employed for each pool.

Subsec. (d). Pub. L. 90-486 substituted provisions that a technician employed under subsec. (a) is an employee of the particular department concerned, and an employee of the United States, with proviso that a position authorized by this section is outside competitive service if technician so employed is required under subsec. (b) to be a member of the National Guard, for provisions that one commissioned officer of the National Guard in a grade below major may be employed for each pool set up and for each squadron of the Air National Guard.

Subsec. (e). Pub. L. 90-486 substituted provisions authorizing the adjutant general of the jurisdiction concerned to separate from technicians employment any technician for the specified grounds, provisions requiring the technician concerned to be notified in writing of the termination of his employment at least 30 days prior to the termination date of such employment, and provisions granting a limited right of appeal from such termination, for provisions appropriating funds by Congress for the National Guard as additional to funds appropriated by the several states and territories, etc., and provisions making such funds available for the hire of caretakers and clerks.

Subsec. (f). Pub. L. 90-486 substituted provisions making inapplicable sections 2108, 3502, 7511, and 7512 of Title 5 to any person employed under this section for provisions authorizing the Secretary concerned to fix the salaries of clerks and caretakers and to designate the person to employ them, and provisions authorizing compensation to include the amounts of the employer's contributions to retirement systems.

Subsecs. (g), (h). Pub. L. 90-486 added subsecs. (g) and (h).

1961—Subsec. (f). Pub. L. 87-224 provided that the authorized compensation may include employer's contributions to retirement systems, and that such contributions shall not exceed 6½ per centum of the compensation upon which based.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-65 effective 180 days after the date of receipt by Congress of the plan required by section 523(d) of Pub. L. 105-85, set out as a note under section 10217 of Title 10, Armed Forces, or a report by the Secretary of Defense providing an alternative proposal to the plan required by section 523(d), see section 525 of Pub. L. 106-65, set out as a note under section 10217 of Title 10.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title X, §1070(b), Oct. 5, 1994, 108 Stat. 2856, provided that the amendment made by that section is effective as of Nov. 30, 1993, and as if included in the National Defense Authorization Act for Fiscal Year 1994, Pub. L. 103-160, as enacted.

EFFECTIVE DATE OF 1980 AMENDMENT

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.

EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-486, §11, Aug. 13, 1968, 82 Stat. 760, provided that: "This Act [see Short Title note below] becomes effective January 1, 1969, except that no deductions or withholding from salary which result therefrom shall commence before the first day of the first pay period that begins on or after January 1, 1969."

SHORT TITLE

Pub. L. 90-486, §1, Aug. 13, 1968, 82 Stat. 755, provided: "That this Act [amending this section and section 715 of this title, sections 2105, 8332, 8334, and 8339 of Title 5, Government Organization and Employees, sections 3848, 3851, 8848, and 8851 of Title 10, Armed Forces, and section 418 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section] may be cited as the 'National Guard Technicians Act of 1968'."

MILITARY EDUCATION FOR ARMY NATIONAL GUARD CIVILIAN TECHNICIANS

Pub. L. 101-189, div. A, title V, §506(a)-(c), Nov. 29, 1989, 103 Stat. 1438, 1439, which related to attendance by civilian technicians of Army National Guard in Battle Skills Course and military promotions, courses and training meeting requirements of reserve component noncommissioned officers education program, and submission by Secretary of the Army to committees of Congress of a plan to use State and National Guard Bureau regional academies to provide portion of Reserve Component Noncommissioned Officers Education System specifically related to military occupational specialties, was repealed by Pub. L. 103-160, div. A, title V, §523(b)(2), Nov. 30, 1993, 107 Stat. 1656.

Pub. L. 100-456, div. A, title V, §523, Sept. 29, 1988, 102 Stat. 1974, as amended by Pub. L. 101-189, div. A, title V, §506(d), Nov. 29, 1989, 103 Stat. 1439; Pub. L. 101-510, div. A, title XIV, §1484(l)(2), Nov. 5, 1990, 104 Stat. 1719, which related to training of civilian technicians of Army National Guard at National Guard schools, was repealed by Pub. L. 103-160, div. A, title V, §523(b)(1), Nov. 30, 1993, 107 Stat. 1656.

[Pub. L. 103-160, div. A, title V, §523(c), Nov. 30, 1993, 107 Stat. 1656, provided that: "A civilian technician of the Army National Guard serving in an active status on the date of the enactment of this Act [Nov. 30, 1993] who under the provisions of law repealed by subsection (b) [repealing section 523 of Pub. L. 100-456 and section 506(a)-(c) of Pub. L. 101-189, formerly set out as notes above] (or under other Department of the Army policy in effect on the day before such date of enactment) was granted credit on the technician's military record for the completion of certain education and training courses shall retain such credit, notwithstanding the provisions of subsections (a) [amending this section] and (b), for a period determined by the Secretary of the Army. Such a period may not terminate, in the case of any such civilian technician, before the effective date of such civilian technician's next military [sic] promotion."]

RETIREMENT CREDIT FOR CERTAIN FORMER NATIONAL GUARD TECHNICIANS

Pub. L. 99-661, div. A, title VI, §654, Nov. 14, 1986, 100 Stat. 3890, provided that:

"(a) CIVIL SERVICE RETIREMENT CREDIT.—A period of service performed under section 709 of title 32, United

States Code (or under a prior corresponding provision of law), before January 1, 1969, which would not otherwise be creditable under subchapter III of chapter 83 of title 5, United States Code, because of the antepenultimate sentence of section 8332(b) of such title, shall be considered creditable service under such subchapter, notwithstanding such sentence, in the case of an individual described in subsection (b).

“(b) COVERED INDIVIDUALS.—Subsection (a) applies in the case of an individual who—

“(1) before the end of the 14-month period beginning on the date of the enactment of this Act [Nov. 14, 1986], files appropriate written application with the Office of Personnel Management in accordance with regulations under subsection (c);

“(2) at the time of filing application under paragraph (1), is employed by the United States and is subject to subchapter III of chapter 83 of title 5, United States Code (other than under section 8344 of such title); and

“(3) before the date of the separation on which entitlement to an annuity under subchapter III of chapter 83 of title 5, United States Code, is based, makes an appropriate deposit under section 8334(c) of such title with respect to the period of service involved, based on the percentage of basic pay for such service which would be required under such section if such service had been performed as an employee under such subchapter.

“(c) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out subsection (a). Such regulations shall be prescribed not later than 60 days after the date of the enactment of this Act [Nov. 14, 1986].”

SAVINGS PROVISION FOR ACCRUED CLAIMS; CONVERSION TO FEDERAL EMPLOYEE STATUS; CREDIT FOR PAST SERVICE; LEAVE CREDIT

Pub. L. 90-486, § 3, Aug. 13, 1968, 82 Stat. 756, as amended by Pub. L. 101-530, § 2, Nov. 6, 1990, 104 Stat. 2338, provided that:

“(a) A claim accrued under section 715 of title 32, United States Code, before the effective date of this Act [see effective date note above] by reason of the act or omission of a person employed under section 709 of title 32, United States Code, may, if otherwise allowable, be settled and paid under section 715 of title 32, United States Code.

“(b) Except as provided in this Act and in the amendments made by this Act [see Short Title note above] and notwithstanding any law, rule, regulation, or decision to the contrary, the positions of persons employed under section 709 of title 32, United States Code, existing on the day before the effective date of this Act, and the persons holding those positions on that day, shall, on and after that effective date, be considered to be positions in and employees of the Department of the Army or the Department of the Air Force, as the case may be, and employees of the United States to the same extent as other positions in and employees of the Department of the Army or the Department of the Air Force. Such positions shall be outside the competitive service, if, as a condition of employment, the persons employed therein were, on the day before the effective date of this Act, required to be members of the Army National Guard or the Air National Guard.

“(c) All service under section 709 of title 32, United States Code, or prior corresponding provision of law, performed before the effective date of this Act shall be included and credited in the determination of length of service for the purposes of leave, Federal employees death and disability compensation, group life and health insurance, severance pay, tenure, and status.

“(d) Annual leave and sick leave to which a technician was entitled on the day before the conversion of his position, as provided in subsection (b) of this section, shall be credited to him in his new position.”

[Pub. L. 101-530, § 3(b), Nov. 6, 1990, 104 Stat. 2339, provided that:

“(1) GENERAL RULE.—Except as provided in paragraph (2), the amendment made by section 2 [amending

section 3 of Pub. L. 90-486, set out above] applies only with respect to an individual performing service as an officer or employee of the Government on or after the date of enactment of this Act [Nov. 6, 1990] and only to determine—

“(A) any annual leave accruing under section 6303 of title 5, United States Code, to the individual on or after such date; and

“(B) the individual’s length of service for the purposes of entitlement to Federal employee death and disability compensation, group life insurance and health benefits, severance pay, tenure, and status.

“(2) EXCEPTION.—

“(A) RULE FOR INDIVIDUALS SEPARATING AFTER DECEMBER 31, 1968, AND BEFORE THE ENACTMENT OF THIS ACT.—The amendment made by section 2 of this Act applies with respect to any individual who separated from Government employment after December 31, 1968, and before the date of the enactment of this Act [Nov. 6, 1990], for the purpose of determining whether such individual satisfies the length of service requirement under section 8901(3)(A) of title 5, United States Code (relating to the definition of the term ‘annuitant’, as in effect at the time of such individual’s separation) for the purposes of chapter 89 of such title.

“(B) CONDITIONS FOR ENROLLING IN A HEALTH BENEFITS PLAN.—Any individual who satisfies the length of service requirement referred to in subparagraph (A) as a result of the application of the amendment made by section 2 shall be enrolled in a health benefits plan (described in section 8903 of such title) of such individual’s choice, if—

“(i) application for enrollment is received by the Office of Personnel Management within one year after the date of the enactment of this Act; and

“(ii) such individual would have qualified under section 8905(b)(1) of such title at the time of such individual’s separation.”]

PERSONS EMPLOYED PRIOR TO JANUARY 1, 1969, WHOSE EMPLOYMENT WAS COVERED BY CIVIL SERVICE RETIREMENT PROVISIONS

Pub. L. 90-486, § 5(d), Aug. 13, 1968, 82 Stat. 758, provided that: “Clause (4) of subsection (a) of this section [amending section 8332(b) of Title 5, Government Organization and Employees] and subsections (b) and (c) of this section [amending section 8334(c) and adding section 8339(l) of title 5] do not apply to any person employed prior to the effective date of this Act [see Effective Date note above] under section 709 of title 32, United States Code, whose employment under that section was covered by subchapter III of chapter 83 of title 5, United States Code.”

ELECTION TO REMAIN UNDER STATE RETIREMENT SYSTEM; REEMPLOYED TECHNICIANS; CONTINUATION OF FEDERAL CONTRIBUTIONS

Pub. L. 90-486, § 6, Aug. 13, 1968, 82 Stat. 758, as amended by Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, provided that:

“(a) Notwithstanding section 709(d) of title 32, United States Code, a person who, on the date of enactment of this Act [Aug. 13, 1968], is employed under section 709 of title 32, United States Code, and is covered by an employee retirement system of, or plan sponsored by, a State or the Commonwealth of Puerto Rico, may elect, not later than the effective date of this Act [see Effective Date note above], not to be covered by subchapter III of chapter 83 of title 5, United States Code, and with the consent of the State concerned or Commonwealth of Puerto Rico, to remain covered by the employee retirement system of, or plan sponsored by, that State or the Commonwealth of Puerto Rico. Unless such an election, together with a statement of approval by the State concerned or the Commonwealth of Puerto Rico, is filed with the Secretary of the Army or the Secretary of the Air Force, as appropriate, on or before the effective date of this Act, the person concerned is cov-

ered by subchapter III of chapter 83 of title 5, United States Code, as of that date.

“(b) A member of the National Guard of a State or the Commonwealth of Puerto Rico who was employed as a technician under section 709 of title 32, United States Code, or prior corresponding provision of law, who—

“(1) was involuntarily ordered to active duty after January 1, 1968, from that employment and has not been released from that duty prior to the effective date of this Act [see Effective Date note above]; or

“(2) is on active duty under section 265 [see 10211], 3015, 3033, 3496 [see 12402], 8033 or 8496 [see 12402] of title 10, United States Code, on the effective date of this Act;

and was covered by a retirement system or plan of a State or the Commonwealth of Puerto Rico, may, if he is reemployed within sixty days under section 709 of title 32, United States Code, make the election described in subsection (a) of this section, within thirty days following the date of his reemployment.

“(c) In the case of any person who files a valid election under this section to remain covered by an employee retirement system of, or plan sponsored by, a State or the Commonwealth of Puerto Rico, the United States may pay the amount of the employer's contributions to that system or plan that become due for periods beginning on or after the effective date of this Act [see Effective Date note above]. However, the payment by the United States, including any contribution that may be made by the United States toward the employer's tax imposed by section 3111 of the Internal Revenue Code of 1986 [formerly I.R.C. 1954], as amended (26 U.S.C. 3111), may not exceed the amount which the employing agency would otherwise contribute on behalf of the person to the Civil Service Retirement and Disability Fund under section 8334(a) of title 5, United States Code. Notwithstanding section 8332(b) of title 5, United States Code, as amended by section 5 of this Act, the service under section 709 of title 32, United States Code, or prior corresponding provision of law, of a person who has made an election to remain covered by the employee retirement system of, or plan sponsored by, a State or the Commonwealth of Puerto Rico, shall not be creditable toward eligibility for or amount of annuity under subchapter III of chapter 83 of title 5, United States Code. A person who retires pursuant to his valid election shall not be eligible for any rights, benefits, or privileges to which retired civilian employees of the United States may be entitled.”

COMPENSATION RATES; CONVERSION AND ADJUSTMENT OF COMPENSATION TO THE GENERAL SCHEDULE

Pub. L. 90-486, § 8, Aug. 13, 1968, 82 Stat. 759, provided that:

“(a) Except as provided in section 709(g) of title 32, United States Code, the Secretary concerned shall fix the rate of basic compensation of positions existing on the date of enactment of this Act [Aug. 13, 1968] in accordance with the General Schedule set forth in section 5332, or under the appropriate prevailing rate schedule in accordance with section 5341 of title 5, United States Code, as applicable. In fixing such rate—

“(1) If the technician is receiving a rate of basic compensation which is less than the minimum rate of the appropriate grade of the General Schedule, or which is less than the minimum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, his basic compensation shall be increased to that minimum rate.

“(2) If the technician is receiving a rate of basic compensation which is equal to a rate of the appropriate grade of the General Schedule, or which is equal to a rate of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at that rate of the General Schedule, or at that rate under the prevailing rate schedule, as applicable.

“(3) If the technician is receiving a rate of basic compensation which is between two rates of the appropriate grade of the General Schedule, or which is between two rates of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at the higher of those two rates under the General Schedule or appropriate prevailing rate schedule, as applicable.

“(4) If the technician is receiving a rate of basic compensation which is in excess of the maximum rate of the appropriate grade of the General Schedule, or which is in excess of the maximum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall continue to receive basic compensation without change in rate until—

“(A) he leaves that position, or

“(B) he is entitled to receive basic compensation at a higher rate,

but, when any such position becomes vacant, the rate of basic compensation of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

“(b) The conversion of positions and employees to appropriate grades of the General Schedule set forth in section 5332 of title 5, United States Code, and the initial adjustment of rates of basic compensation of those positions and technicians, provided for by this Act [see Short Title note above], shall not be considered to be transfers or promotions within the meaning of section 5334(b) of title 5, United States Code, and the regulations issued thereunder.

“(c) Each technician on the effective date of this Act [see Effective Date note above], whose position is converted to the General Schedule set forth in section 5332 of title 5, United States Code, or to the appropriate prevailing rate schedule, as applicable, who prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section, has earned, but has not been credited with, an increase in that rate, shall be granted credit for such increase before his rate of basic compensation is initially adjusted under that subsection.

“(d) Each technician on the effective date of this Act whose position is converted to the General Schedule set forth in section 5332 of title 5, United States Code, or to the appropriate prevailing rate schedule, as applicable, shall be granted credit, for purposes of his first step increase under the General Schedule or prevailing rate schedule, for all satisfactory service performed by him since his last increase in compensation prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section.

“(e) An increase in rate of basic compensation by reason of the enactment of subsection (a) of this section shall not be considered to be an equivalent increase with respect to step increases for technicians whose positions are converted to the General Schedule set forth in section 5332 of title 5, United States Code, or the appropriate prevailing rate schedule under authority of this section.”

REGULATIONS: APPROVAL BY SECRETARY OF DEFENSE; UNIFORMITY

Pub. L. 90-486, § 10, Aug. 13, 1968, 82 Stat. 760, provided that: “Regulations prescribed by the Secretary of the Army and Secretary of the Air Force under this Act [see Short Title note above] shall be approved by the Secretary of Defense and shall, so far as practicable, be uniform.”

NUMBER OF CARETAKERS FOR AIR 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 may be such as is deemed necessary by the Secretary of the Air Force and that they may be employed without regard to their military rank as members of the Air National Guard.

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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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,
710(d)	32:47 (last sentence, less proviso).	68 Stat. 880.
		June 3, 1916, ch. 134, §110
710(e)	32:47 (1st proviso of last sentence).	(last proviso of 2d par.);
		restated Sept. 22, 1922,
710(f)	32:47 (last proviso of last sentence).	ch. 423, §6 (last proviso of 2d par.);
		restated Apr. 6, 1928, ch. 322 (last proviso), 45 Stat. 408.

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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

(d) A payment under this section bars recovery by any other person of the amount paid.

(Added Pub. L. 85-861, §2(12), Sept. 2, 1958, 72 Stat. 1546; amended Pub. L. 87-46, June 16, 1961, 75 Stat. 92; Pub. L. 104-316, title II, §202(q), Oct. 19, 1996, 110 Stat. 3844.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
714(a)	37:361. 37:362. 37:365.	July 12, 1955, ch. 328, §§1-3, 4 (less proviso), 5 (1st sentence), 69 Stat. 295, 296.
714(b)	37:364 (less proviso).	
714(c)	37:363 (less last sentence).	
714(d)	37:363 (last sentence).	

In subsection (a), the definition of the term “Department”, in 37:361, is omitted as unnecessary, since the particular departments referred to are spelled out in the revised text. The definition of the term “uniformed services”, in 37:361, is omitted as covered by the word “member” in this revised section. Clauses (1)–(6) are substituted for the last 5 clauses of 37:362. The words “regulations to be prescribed by the Secretary concerned” are substituted for the words “regulations of the Department concerned”, since the “Department”, as such, cannot issue regulations.

In subsection (a)(2), the words “Surviving spouse” are substituted for the words “widow or widower”. As defined in section 101(18) of this title, “spouse” includes a widower.

In subsection (b), the words “are subject to” are substituted for the words “shall be made under”.

In subsection (c), the word “Under” is substituted for the words “Subject to”. The words “rules and” are omitted as surplusage.

Editorial Notes

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-316, in first sentence, substituted “Secretary concerned” for “Comptroller General” and struck out at end “Payment under clause (6) of subsection (a) shall be made—

“(1) upon settlement by the General Accounting Office; or

“(2) as otherwise authorized by the Comptroller General.”

1961—Subsec. (c). Pub. L. 87-46 substituted “Payment under clause (6) of subsection (a) shall be made—

“(1) upon settlement by the General Accounting Office; or

“(2) as otherwise authorized by the Comptroller General.”

for “Payments under clauses (2)–(6) of subsection (a) may be paid only after settlement by the General Accounting Office.”

Statutory Notes and Related Subsidiaries

DESIGNATION OF BENEFICIARY MADE BEFORE JANUARY 1, 1956

Designation of beneficiary made before Jan. 1, 1956, considered as the designation of a beneficiary for the purposes of this section, see note set out under section 2771 of Title 10, Armed Forces.

§ 715. Property loss; personal injury or death: activities under certain sections of this title

(a) Under such regulations as the Secretary of the Army or Secretary of the Air Force may prescribe, he or, subject to appeal to him, the Judge Advocate General of the armed force under his jurisdiction, if designated by him, may settle and pay in an amount not more than \$100,000 a claim against the United States for—

(1) damage to, or loss of, real property, including damage or loss incident to use and occupancy;

(2) damage to, or loss of, personal property, including property bailed to the United States or the National Guard and including registered or insured mail damaged, lost, or destroyed by a criminal act while in the possession of the National Guard; or

(3) personal injury or death; either caused by a member of the Army National Guard or the Air National Guard, as the case may be, while engaged in training or duty under section 316, 502, 503, 504, or 505 of this title or any other provision of law for which he is entitled to pay under section 206 of title 37, or for which he has waived that pay, and acting within the scope of his employment; or otherwise incident to noncombat activities of the Army National Guard or the Air National Guard, as the case may be, under one of those sections.

(b) A claim may be allowed under subsection (a) only if—

(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or armed conflict or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after the war or armed conflict is terminated;

(2) it is not covered by section 2734 of title 10 or section 2672 of title 28;

(3) it is not for personal injury or death of such a member or a person employed under section 709 of this title, whose injury or death is incident to his service;

(4) the damage to, or loss of, property, or the personal injury or death, was not caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee, or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances; and

(5) it is substantiated as prescribed in regulations of the Secretary concerned.

For the purposes of clause (1), the dates of the beginning and end of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(c) Payment may not be made under this section for reimbursement for medical, hospital, or burial services furnished at the expense of the United States or of any State or the District of Columbia or Puerto Rico.

(d) If the Secretary concerned considers that a claim in excess of \$100,000 is meritorious, and the claim otherwise is payable under this section, the Secretary may pay the claimant \$100,000 and report any meritorious amount in excess of \$100,000 to the Secretary of the Treasury for payment under section 1304 of title 31.

(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.

(f) Under regulations prescribed by the Secretary concerned, an officer or employee under

the jurisdiction of the Secretary may settle a claim that otherwise would be payable under this section in an amount not to exceed \$25,000. A decision of the officer or employee who makes a final settlement decision under this section may be appealed by the claimant to the Secretary concerned or an officer or employee designated by the Secretary for that purpose.

(g) Notwithstanding any other provision of law, the settlement of a claim under this section is final and conclusive.

(h) In this section, "settle" means consider, ascertain, adjust, determine, and dispose of a claim, whether by full or partial allowance or disallowance.

(Added Pub. L. 86-740, §1(1), Sept. 13, 1960, 74 Stat. 878; amended Pub. L. 87-649, §8(b), Sept. 7, 1962, 76 Stat. 495; Pub. L. 90-486, §2(3), Aug. 13, 1968, 82 Stat. 756; Pub. L. 90-525, §6, Sept. 26, 1968, 82 Stat. 878; Pub. L. 91-312, §3, July 8, 1970, 84 Stat. 412; Pub. L. 92-445, Sept. 29, 1972, 86 Stat. 745; Pub. L. 93-336, §3, July 8, 1974, 88 Stat. 292; Pub. L. 98-564, §4, Oct. 30, 1984, 98 Stat. 2919; Pub. L. 104-316, title II, §202(r), Oct. 19, 1996, 110 Stat. 3844.)

Editorial Notes

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-316 substituted "Secretary of the Treasury" for "Comptroller General".

1984—Subsec. (a). Pub. L. 98-564, §4(1), substituted "\$100,000" for "\$25,000".

Subsec. (d). Pub. L. 98-564, §4(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "If the Secretary of the military department concerned considers that a claim in excess of \$25,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$25,000 and report the excess to Congress for its consideration".

Subsec. (f). Pub. L. 98-564, §4(3), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "In any case where the amount to be paid is not more than \$5,000, the authority contained in subsection (a) may be delegated to any officer of the Army or the Air Force, as the case may be, who has been delegated authority under section 2733(g) of title 10, to settle similar claims, subject to appeal to the Secretary concerned, or his designee for that purpose".

1974—Subsecs. (a), (d). Pub. L. 93-336, §3(1), (2), substituted "\$25,000" for "\$15,000".

Subsec. (f). Pub. L. 93-336, §3(3), substituted "\$5,000" for "\$2,500".

1972—Subsec. (b)(4). Pub. L. 92-445 inserted provision that claim may be allowed to extent that law of place where act or omission complained of occurred would permit recovery from a private individual under similar circumstances, when damage to or loss of property, or personal injury or death was caused wholly or partly by a negligent or wrongful act of claimant, his agent, or his employee.

1970—Subsecs. (a), (d). Pub. L. 91-312 substituted "\$15,000" for "\$5,000".

1968—Subsec. (a). Pub. L. 90-486 struck out "caused by a person employed under section 709 of this title acting within the scope of his employment;" after "acting within the scope of his employment;".

Subsec. (f). Pub. L. 90-525 increased limitation on amount of settlement from \$1,000 to \$2,500 and provided for appeals to Secretary concerned, or his designee, from determinations delegating authority to settle claims to an officer of the Army or the Air Force.

1962—Subsec. (a)(3). Pub. L. 87-649 substituted "section 206 of title 37" for "section 301 of title 37".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-486 effective Jan. 1, 1968, except that no deductions or withholding from salary which result therefrom shall commence before the first day of the first pay period that begins on or after Jan. 1, 1968, see section 11 of Pub. L. 90-486, set out as a note under section 709 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

SAVINGS PROVISION FOR CLAIMS ARISING BEFORE JANUARY 1, 1969

Settlement and payment of claims arising under this section before January 1, 1969, see section 3(a) of Pub. L. 90-486, set out as a note under section 709 of this title.

§ 716. Claims for overpayment of pay and allowances, and travel and transportation allowances

(a) A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances, to or on behalf of a member or former member of the National Guard, the collection of which would be against equity and good conscience and not in the best interest of the United States, may be waived in whole or in part by—

(1) the Director of the Office of Management and Budget; or

(2) the Secretary concerned, as defined in section 101(5) of title 37, when—

(A) the claim is in an amount aggregating not more than \$10,000; and

(B) the waiver is made in accordance with standards which the Director of the Office of Management and Budget shall prescribe.

(b) The Director of the Office of Management and Budget or the Secretary concerned, as the case may be, may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim; or

(2) if application for waiver is received in his office after the expiration of five years immediately following the date on which the erroneous payment was discovered.

(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the department concerned at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that department for that refund within two years following the effective date of the waiver. The Secretary concerned shall pay from current applicable appropriations that refund in accordance with this section.

(d) In the audit and settlement of accounts of any accountable officer or official, full credit

shall be given for any amounts with respect to which collection by the United States is waived under this section.

(e) An erroneous payment, the collection of which is waived under this section, is considered a valid payment for all purposes.

(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(Added Pub. L. 92-453, §2(1), Oct. 2, 1972, 86 Stat. 759; amended Pub. L. 96-513, title V, §515(9), Dec. 12, 1980, 94 Stat. 2937; Pub. L. 99-224, §3(a), Dec. 28, 1985, 99 Stat. 1742; Pub. L. 102-190, div. A, title VI, §657(c), Dec. 5, 1991, 105 Stat. 1393; Pub. L. 104-316, title I, §116, Oct. 19, 1996, 110 Stat. 3835; Pub. L. 109-364, div. A, title VI, §671(b), Oct. 17, 2006, 120 Stat. 2270.)

Editorial Notes

AMENDMENTS

2006—Subsec. (a)(2)(A). Pub. L. 109-364, §671(b)(1), substituted “\$10,000” for “\$1,500”.

Subsec. (b)(2). Pub. L. 109-364, §671(b)(2), substituted “five” for “three”.

1996—Subsec. (a)(1). Pub. L. 104-316, §116(1)(A), substituted “Director of the Office of Management and Budget” for “Comptroller General”.

Subsec. (a)(2). Pub. L. 104-316, §116(1)(B), inserted “and” at end of subpar. (A), redesignated subpar. (C) as (B) and substituted “Director of the Office of Management and Budget” for “Comptroller General”, and struck out former subpar. (B) which read as follows: “the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official; and”.

Subsec. (b). Pub. L. 104-316, §116(2), substituted “The Director of the Office of Management and Budget” for “Comptroller General” in introductory provisions.

1991—Subsec. (a)(2)(A). Pub. L. 102-190 substituted “\$1,500” for “\$500”.

1985—Pub. L. 99-224, §3(a)(1), substituted “and travel” for “other than travel” in section catchline.

Subsec. (a). Pub. L. 99-224, §3(a)(2), substituted “made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances” for “, other than travel and transportation allowances, made before or after October 2, 1972”.

Subsec. (b)(2). Pub. L. 99-224, §3(a)(3), struck out “of pay or allowances, other than travel and transportation allowances,” before “was discovered”.

1980—Subsec. (a). Pub. L. 96-513 substituted “October 2, 1972” for “the effective date of this section”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-364 effective Mar. 1, 2007, see section 671(c) of Pub. L. 109-364, set out as a note under section 2774 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-316 effective 60 days after Oct. 19, 1996, see section 101(e) of Pub. L. 104-316, set out as a note under section 4593 of Title 2, The Congress.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-224 applicable to any claim arising out of an erroneous payment of travel and transportation allowances made on or after Dec. 28, 1985, see section 4 of Pub. L. 99-224, set out as a note under section 5584 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1980 AMENDMENT

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.

[§ 717. Repealed. Pub. L. 109-163, div. A, title V, § 589(b)(2), Jan. 6, 2006, 119 Stat. 3279]

Section, added Pub. L. 108-375, div. A, title V, § 520(b)(1), Oct. 28, 2004, 118 Stat. 1886, related to presentation of recognition items for retention purposes.

CHAPTER 9—HOMELAND DEFENSE ACTIVITIES

Sec.

901.	Definitions.
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§ 901. Definitions

In this chapter:

(1) The term “homeland defense activity” means an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States.

(2) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(Added Pub. L. 108-375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

Statutory Notes and Related Subsidiaries

PILOT PROGRAM ON REMOTE PROVISION BY NATIONAL GUARD TO NATIONAL GUARDS OF OTHER STATES OF CYBERSECURITY TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER INCIDENTS

Pub. L. 116-283, div. A, title XVII, §1725, Jan. 1, 2021, 134 Stat. 4112, provided that:

“(a) PILOT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Defense may conduct a pilot program to assess the feasibility and advisability of the development of a capability in support of Department of Defense missions within the National Guard through which a National Guard of a State remotely provides National Guards of other States (whether or not in the same Armed Force as the providing National Guard) with cybersecurity technical assistance in training, preparation, and response to cyber incidents.

“(2) TERMINATION.—The authorization under paragraph (1) to conduct the pilot program expires 24 months after the date of the enactment of this Act [Jan. 1, 2021].

“(b) ASSESSMENT PRIOR TO COMMENCEMENT.—For purposes of the pilot program described in subsection (a), the Secretary of Defense shall, prior to commencing the pilot program, for purposes of evaluating existing platforms, technologies, and capabilities under subsection (c), and for establishing eligibility and participation requirements under such subsection—

“(1) conduct an assessment of—

“(A) existing cyber response capacities of the Army National Guard or Air National Guard, as applicable, in each State; and

“(B) any existing platform, technology, or capability of a National Guard that provides the capability described in subsection (a)(1);

“(2) determine whether a platform, technology, or capability referred to in subparagraph (B) is suitable for expansion for purposes of the pilot program; and

“(3) assess potential benefits or impact on the missions, the Total Force, the Cyber Operations Forces, and the cyber infrastructure of the Department of Defense.

“(c) ELEMENTS.—The pilot program described in subsection (a) may include the following:

“(1) A technical capability that enables the National Guard of a State to remotely provide cybersecurity technical assistance to National Guards of other States, without the need to deploy outside its home State.

“(2) The development of policies, processes, procedures, and authorities for use of such a capability, including with respect to the following:

“(A) The roles and responsibilities of both requesting and deploying National Guards with respect to such technical assistance, taking into account the matters specified in subsection (g).

“(B) Necessary updates to the Defense Cyber Incident Coordinating Procedure, or any other applicable Department of Defense instruction, for purposes of implementing such a capability.

“(C) Program management and governance structures for deployment and maintenance of such a capability.

“(D) Security when performing remote support, including in matters such as authentication and remote sensing.

“(3) The conduct, in consultation with the Secretary of Homeland Security and the Director of the Federal Bureau of Investigation, the heads of other Federal agencies, and appropriate non-Federal entities, as appropriate, of at least one exercise to demonstrate such a capability, which exercise shall include the following:

“(A) Participation of not fewer than the National Guards of two different States.

“(B) Circumstances designed to test and validate the policies, processes, procedures, and authorities developed pursuant to paragraph (2).

“(d) USE OF EXISTING TECHNOLOGY.—The Secretary of Defense may use an existing platform, technology, or capability to provide the technical capability described in subsection (a)(1) under the pilot program.

“(e) ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—The Secretary of Defense shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of National Guards in the pilot program.

“(g) [sic] CONSTRUCTION WITH CERTAIN CURRENT AUTHORITIES.—

“(1) COMMAND AUTHORITIES.—Nothing in this section may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard participating in the pilot program.

“(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in this section may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

“(h) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot program.

“(i) TERM.—The pilot program under subsection (b) shall terminate not later than the date that is three years after the date of the commencement of the pilot program.

“(j) REPORTS.—

“(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the Secretary of Defense shall submit to the appropriate committees of Congress and the Secretary of Homeland Security an initial report setting forth a description of the pilot program and such other matters in connection with the pilot program as the Secretary considers appropriate.

“(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the Secretary

of Defense shall submit to the appropriate committees of Congress and the Secretary of Homeland Security a final report on the pilot program. The final report shall include the following:

“(A) A description of the pilot program, including any partnerships entered into under the pilot program.

“(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (b).

“(C) A summary of the evaluation metrics established in accordance with subsection (h), including how the pilot program contributes directly to Department of Defense missions.

“(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (c)(1) under the pilot program.

“(E) A description of costs associated with the implementation and conduct of the pilot program.

“(F) A recommendation as to the value of the pilot program, including whether to authorize a permanent program modeled on the pilot program, including whether the pilot program duplicates the remote operating concept and capabilities of active duty cyber operations forces.

“(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide in accordance with the recommendation in subparagraph (F).

“(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

“(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives; and

“(B) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(k) STATE DEFINED.—In this section, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.”

CYBER CAPABILITIES AND INTEROPERABILITY OF THE NATIONAL GUARD

Pub. L. 116-283, div. A, title XVII, §1729, Jan. 1, 2021, 134 Stat. 4118, provided that:

“(a) EVALUATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives an evaluation of the statutes, rules, regulations and standards that pertain to the use of the National Guard for the response to and recovery from significant cyber incidents.

“(2) CONSIDERATION OF INPUTS.—In conducting the evaluation under paragraph (1), the Secretary of Defense shall consult with the Secretary of Homeland Security and may solicit and consider inputs from the following:

“(A) The heads of Federal agencies determined appropriate by the Secretary of Defense.

“(B) State governors.

“(C) The heads of other non-Federal entities as determined appropriate by the Secretary of Defense.

“(b) ELEMENTS OF EVALUATION.—The evaluation required under subsection (a) shall include review of the following:

“(1) Regulations promulgated under section 903 of title 32, United States Code, to clarify when and

under what conditions the National Guard could respond to a cyber attack as a homeland defense activity under section 902 of such title.

“(2) Guidance promulgated regarding how units of the National Guard shall collaborate with relevant civil, law enforcement, and cybersecurity agencies when conducting a homeland defense activity under section 902 of title 32, United States Code.

“(c) UPDATE TO CERTAIN REGULATIONS AND GUIDANCE.—If the Secretary of Defense determines such is appropriate based on the evaluation required under subsection (a) and the review described in subsection (b), the Secretary shall update—

“(1) the regulations referred to in subsection (b)(1); and

“(2) the guidance referred to in subsection (b)(2).

“(d) UPDATE TO THE NATIONAL CYBER INCIDENT RESPONSE PLAN.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, may update the National Cyber Incident Response Plan to address any changes made by the Secretary of Defense to the roles and responsibilities of the National Guard for the response to and recovery from significant cyber incidents.

“(e) JOINT BRIEFINGS.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly brief the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the following:

“(1) The results of the evaluation required under subsection (a)(1), including the utilization of any input provided to the Secretary of Defense pursuant to subsection (a)(2).

“(2) Any updated regulations or guidance in accordance with subsection (c).

“(3) Any update by the Secretary of Homeland Security to the National Cyber Incident Response Plan pursuant to subsection (d).

“(4) How the Department of Defense, including the National Guard, and the Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency and the Federal Emergency Management Agency, will collaborate with each other and with relevant law enforcement, State governments, and other non-Federal entities when responding to and recovering from significant cyber incidents.

“(f) DEFINITION.—The term ‘significant cyber incident’ means a cyber incident that results, or several related cyber incidents that result, in demonstrable harm to—

“(1) the national security interests, foreign relations, or economy of the United States; or

“(2) the public confidence, civil liberties, or public health and safety of the American people.”

§ 902. Homeland defense activities: funds

The Secretary of Defense may provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary determines to be necessary and appropriate for participation by the National Guard units or members, as the case may be.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1878; amended Pub. L. 109–364, div. A, title X, § 1071(b)(1), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 115–232, div. A, title X, § 1081(b), Aug. 13, 2018, 132 Stat. 1985.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 substituted “the Secretary determines” for “the Secretary, determines”.

2006—Pub. L. 109–364 struck out “(a)” before “The Secretary”.

§ 903. Regulations

The Secretary of Defense shall prescribe regulations to implement this chapter.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

§ 904. Homeland defense duty

(a) FULL-TIME NATIONAL GUARD DUTY.—All duty performed under this chapter shall be considered to be full-time National Guard duty under section 502(f) of this title. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support or execute homeland defense activities performed by the National Guard under this chapter.

(b) DURATION.—The period for which a member of the National Guard performs duty under this chapter shall be limited to 180 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

(c) RELATIONSHIP TO REQUIRED TRAINING.—A member of the National Guard performing duty under this chapter shall, in addition to performing such duty, participate in the training required under section 502(a) of this title. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing the duty under this chapter. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State for homeland defense activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland defense activities that units and personnel of the National Guard of a State may perform:

(1) The performance of the activities is not to affect adversely the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

(2) The performance of the activities is not to degrade the military skills of the members of the National Guard performing those activities.

(Added Pub. L. 108–375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

§ 905. Funding assistance

In the case of any homeland defense activity for which the Secretary of Defense determines under section 902 of this title that participation of units or members of the National Guard of a State is necessary and appropriate, the Secretary may provide funds to that State in an amount that the Secretary determines is appropriate for the following costs of the participa-

tion in that activity from funds available to the Department for related purposes:

- (1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State.
- (2) The operation and maintenance of the equipment and facilities of the National Guard of that State.
- (3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

(Added Pub. L. 108-375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

§ 906. Requests for funding assistance

A Governor of a State may request funding assistance for the homeland defense activities of the National Guard of that State from the Secretary of Defense. Any such request shall include the following:

- (1) The specific intended homeland defense activities of the National Guard of that State.
- (2) An explanation of why participation of National Guard units or members, as the case may be, in the homeland defense activities is necessary and appropriate.
- (3) A certification that homeland defense activities are to be conducted at a time when the personnel involved are not in Federal service.

(Added Pub. L. 108-375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

§ 907. Relationship to State duty

Nothing in this chapter shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

(Added Pub. L. 108-375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

§ 908. Annual report

(a) REQUIREMENT FOR REPORT.—After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter, the Secretary of Defense shall submit to the congressional defense committees a report regarding any assistance provided and activities carried out under this chapter during that fiscal year. The report for a fiscal year shall be submitted not later than March 31 of the year following the year in which such fiscal year ended.

(b) CONTENT.—The report for a fiscal year shall include the following matters:

- (1) The numbers of members of the National Guard excluded under subsection (i)(13) of section 115 of title 10 from being counted for the purpose of end-strengths authorized pursuant to subsection (a)(1) of such section.
- (2) A description of the homeland defense activities conducted with funds provided under this chapter.
- (3) An accounting of the amount of the funds provided to each State.
- (4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland defense activities under this chapter.

(Added Pub. L. 108-375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1879; amended Pub. L. 109-364, div. A, title X, §1071(b)(2), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 112-81, div. A, title X, §1065(a), Dec. 31, 2011, 125 Stat. 1588.)

Editorial Notes

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-81 substituted “After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter,” for “After the end of each fiscal year,”.

2006—Subsec. (b)(1). Pub. L. 109-364 substituted “(i)(13)” for “(i)”.



G-1

G1 – LTC Caleb Emde
Deputy G1 – LTC Brett Campbell
G1 SGM – SGM Chris Creekmore



OKARNG Readiness Goals

- Maintain 100% Authorized Strength
- Achieve 87% Retention Rate
- Limit Attrition to < 13%
- Limit Negative End Strength to < .5%
- Limit NOVAL Percentage to <1%
- Achieve MRC 1-2 > 90%
- Achieve MRC 4 < 3%
- Resolve MRC 3 Issues in < 365 Days



Commanders Reports

- 365 Day ETS Roster (RMS with Intent or DPRO)
 - Retaining Quality Soldiers takes frequent contact at key dates
 - RMS helps guide through the dates and counseling
 - Effective Sponsorship Program/Ensure FTUS is keeping you aware of new SM
- MRC 4 Report (MEDPROS or DPRO)
 - Schedule SM with PHA and Exams/Coordinate with BN S1 to schedule MRE
- Attrition Report (DPRO)
 - Attrition is the discharge of a SM for any reason
 - Un-forecasted Losses (Conditional Release / AWOL / IST)



Commander Responsibilities

- IPPSA Training and Roles
 - Complete Commander Training
 - Assign the appropriate delegates
- Suspension of Favorable Personnel Actions (FLAG)
 - Commanders should emplace and review all FLAGs to be placed on SM
 - Ensure proper documentation is completed
- Bars to Reenlistment
- Substance Abuse Testing and Prevention
- Line of Duty Processing
 - Ensure Soldiers injuries are documented
 - Conduct Compliance Counseling



Resolving Friction, Harassment, & Discrimination

A Guide for ARNG Command Teams (Aligned with NGB DTM 9601.01)



The ARNG Challenge & Purpose

THE REALITY

Limited Time: We have limited time (39 days a year) to build combat-ready teams.

THE THREAT

Unresolved Conflict: Friction ferments between drill weekends, poisoning unit culture and degrading readiness.

THE GOAL

Empowered Teams: Enable Command Teams to use lowest-level conflict resolution swiftly, legally, and in compliance with NGB directives.



The Spectrum of Behaviors

Discrimination

Unequal Treatment:
Based on race, color, national origin, religion, sex, or sexual orientation.

Harassment

No Military Purpose:
Conduct that creates an intimidating, humiliating, or abusive environment (e.g., bullying, hazing).

Sexual Harassment

Hostile Environment:
Unwelcome sexual advances or a hostile environment based on sex.

CRITICAL NOTE

MEO Process: In the ARNG, Sexual Harassment is a Military Equal Opportunity (MEO) complaint processed by the State EO Office per NGB DTM 9601.01 (Not SHARP).



Victim Confidentiality (Pre-Complaint Phase)

Victim's Choice (No Wrong Door)

No Automatic Reporting:
Commanders, SARCs, and VAs are NOT required to report potential SH to the EO office *unless the victim chooses to file a complaint*.

The Benefit: Allows victims to seek support and resources without triggering an automatic official investigation.

Engaged Leadership

Proactive Command: During this phase, commanders can still address general unprofessionalism or unit friction.

Focus on Culture: Resolve systemic issues without discussing or violating a specific, confidential allegation.



The Informal Resolution Request (IRR)

DO: Active Leadership

Swift Action: Use swift leadership to correct general unprofessionalism early.

Official Channels: If a complaint is filed, utilize the official **Informal Resolution Request (IRR)** guided by EO (e.g., Alternate Dispute Resolution or Leadership Inquiry). NGB Form 333

DO NOT: Avoidance & Shortcuts

No Sweeping: Do not ignore issues or coerce Soldiers to drop complaints.

No Off-the-Record Deals: Never attempt to handle a formal MEO complaint 'off-the-record' without EO office involvement.



Know Your Zones: THE GREEN ZONE

THE GREEN ZONE

Appropriate for Command Action & Mediation.

Focuses on early resolution and maintaining unit cohesion.

When to Act Directly

Interpersonal Friction: Minor personality clashes or communication breakdowns.

General Unprofessionalism: Abrasive language or behavior not tied to a protected EO category.

EO Complaint Actions: IAW CNGBM 9601.01. Enact Reprisal Prevention Plan; Initiate EO Inquiry, Participate in ADR at the Complainant's request once an MEO complaint is filed.



Know Your Zones: THE RED LINE

THE RED LINE

Mandatory EO Office Involvement.

Requires immediate formal processing and command escalation.

When to Escalate

MEO Complaint Filed: All EO complaints start as an Informal Resolution Request on NGB Form 333 IAW CNGBM 9601.01. You must process this through the State EO office.

Severe Toxicity: Threats of violence, quid pro quo, or physical hazing.

Repeat Offenders: When informal coaching fails, administrative or Oklahoma Uniform Code of Military Justice (OUCMJ) action is required.



Commander Actions Checklist

1. Listen & Assess: Determine if they want confidential support (SARC/VA) or to file an MEO complaint.

2. Report When Required: If they wish to file, process it via the State EO office immediately.

3. Engage in pre-complaint resolution: Work with your EO professional to conduct ADR or a Leadership Inquiry if the complainant does not initially want to file an MEO complaint.

4. Prevent Reprisal: Initiate a Commander's Reprisal Prevention Plan for all parties.

5. Document Actions: Document successful pre-complaint resolutions. Document substantiated misconduct in evaluations or via reprimands.



Scenario A: The 'No Wrong Door' Test

THE SITUATION & DILEMMA

Situation: A Soldier is distressed by explicit sexual comments from an NCO.

She states she **DOES NOT** want an investigation or to file a complaint, just SARC support and a squad move.

Dilemma: As a commander, do you initiate an investigation anyway?

CORRECT ARNG ACTION

Respect Confidentiality: Do NOT report to EO or investigate against her wishes.

Connect to Support: Hand off directly to SARC/VA.

Accommodate: Move her administratively for 'mission needs' without outing her or exposing the situation.



Scenario B: The IRP Request

THE SITUATION & DILEMMA

Situation: A Soldier overhears derogatory language, files an MEO complaint, Informal Resolution Request (IRR) on NGB 333

He just wants an apology and counseling for the offender.

CORRECT ARNG ACTION

Execute IRR: Conduct Leadership Inquiry/ADR with EO advice.

Correct & Document: Facilitate apology and issue DA Form 4856.

Close the Loop: Provide documentation to the State EO Office to officially close the IRR.



Scenario C: Unproductive Leadership vs. MEO

THE SITUATION & DILEMMA

Situation: A Platoon Sergeant screams, throws clipboards, and calls everyone 'idiots.'

A Soldier wants to file an EO complaint for harassment.

CORRECT ARNG ACTION

Identify the Zone: This is the **Green Zone**. It is unproductive leadership, NOT an MEO issue (no protected category targeted).

Command Action: Handle purely as a disciplinary/leadership issue via formal reprimand/counseling.

No EO Tracking: The State EO office does not need to track this.



Scenario D: The 'Off-the-Record' Trap

THE SITUATION & DILEMMA

Situation: A Soldier reports unwanted texting from her Squad Leader.

The 1SG handles it 'off the record' by smoking the offender and making it stop but never offers SARC/VA or MEO options.

CORRECT ARNG ACTION

WRONG ACTION: Violates NGB DTM 9601.01. Bypassing the victim's rights is unacceptable.

The Fix: The 1SG's first required action is to ask if she wants SARC/VA support and inform her of MEO complaint rights.

Command Limits: Command cannot independently make SH 'go away'.



When in Doubt, Call EO

YOUR PRIMARY ADVISOR

Your State EO Professional is your primary advisor.

Never guess on policy—reach out early to protect your Soldiers and your command.

WE ARE HERE TO HELP YOU:

Protect your Soldiers: Ensure safe, respectful environments.

Protect your command: Maintain legal and regulatory compliance.

Maintain unit readiness: Keep the focus on the mission under National Guard regulations.



CONCLUSION & Q&A

Bottom Line: Address friction early, respect victim confidentiality, and know when to engage the EO office.

Open Floor: Questions, scenarios, and policy clarifications.

COMMANDER & FIRST SERGEANT QUICK REFERENCE GUIDE

Resolving Friction, Harassment, and Discrimination at the Lowest Level

OVERVIEW: In the Army National Guard (ARNG), Command Teams have just 39 days a year to build a cohesive, combat-ready team. Unresolved conflict that ferments between drill weekends poisons unit culture and degrades readiness. This guide outlines how to use lowest-level conflict resolution to handle friction swiftly and legally, without over-escalating minor issues or illegally under-reporting severe ones.

1. THE SPECTRUM OF BEHAVIORS

Understanding what you are dealing with is the first step to determining the correct response level:

- **Discrimination:** Treating a Soldier unequally based on race, color, national origin, religion, sex, or sexual orientation.
- **Discriminatory Harassment:** Harassing behavior explicitly based on the protected categories listed above.
- **General Harassment:** Conduct lacking a legitimate military purpose that creates an intimidating, humiliating, or abusive environment (e.g., hazing, bullying).
- **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, or creating a hostile environment based on sex. *(Requires mandatory reporting)*.

2. WHAT IS "LOWEST LEVEL" RESOLUTION?

Lowest-level resolution is about engaged leadership. It is NOT about sweeping issues under the rug.

DO	DO NOT
• Use swift, informal leadership intervention during the drill weekend. • Utilize Alternative Dispute Resolution (ADR) and conflict resolution techniques. • Focus on correcting the behavior and restoring unit cohesion. • Involve your EO Professional informally to help facilitate dialogue.	• Ignore the issue or tell Soldiers to "suck it up." • Coerce or pressure a Soldier to drop a complaint. • Attempt to handle formal sexual harassment complaints "in-house."

3. THE COMMAND TOOLKIT FOR CONFLICT RESOLUTION

- **Active Listening:** Hear both sides completely without immediate judgment. Let the Soldiers vent their frustrations safely.
- **Shuttle Diplomacy:** The 1SG or Commander speaks to each party separately to understand their core grievances before bringing them together in the same room.
- **Interest-Based Negotiation:** Focus the conversation on why the Soldiers are in conflict and what they need to move forward, rather than just arguing over what happened.
- **The "Pull-Aside":** Immediate, private correction of minor abrasive behavior before it becomes a pattern.

4. KNOW YOUR ZONES: GREEN ZONE VS. RED LINE

Command Teams must correctly identify when an issue can be mediated (Green Zone) and when it MUST be escalated to formal channels (Red Line).

THE GREEN ZONE Appropriate for Command Mediation	THE RED LINE Mandatory Formal Escalation
• Minor interpersonal friction, miscommunications, or personality clashes. • Unprofessional, abrasive, or culturally ignorant language used without malicious intent. • First-time, low-level abrasive behaviors. • Informal pre-complaint contact: where the targeted Soldier explicitly requests Chain of Command resolution (e.g., "I just want an apology and for it to stop").	• Sexual Harassment: MUST be reported to the SHARP representative immediately. Command cannot mediate this. • Formal EO Complaints: Once a NGB 333 is filed, the formal investigation clock starts. (Informal Resolution Request) • Severe Toxicity: Threats of violence, quid pro quo, or systemic, physical hazing/bullying. • Repeat Offenders: If informal coaching and counseling failed last drill, it is time for administrative or UCMJ action.

5. 4-STEP MEDIATION PROCESS FOR DRILL WEEKEND

1. **Isolate & Assess.** Remove the Soldiers from the immediate work environment. Check the "Red Lines"—if it's Sexual Harassment or severe abuse, stop and call your EO/SHARP rep.
2. **Hear Both Sides.** Use shuttle diplomacy. Ensure both Soldiers feel heard.
3. **Facilitate Resolution.** Bring them together. Set ground rules for respect. Facilitate an apology and an agreement on professional workplace behavior moving forward.
4. **Document & Monitor.** Document the conversation in a DA Form 4856 (Developmental Counseling) noting the pre-complaint resolution. Follow up during the next drill weekend to ensure the behavior has not repeated.

WHEN IN DOUBT, CALL YOUR EO PROFESSIONAL.

Your EO representative is your advisor. Use them to protect your Soldiers, protect your command, and maintain unit readiness.

State Equal Employment Manager: 572-247-5297 or cell: 405-208-9833

Human Relations Equal Opportunity Officer: MAJ Essence Campbell:
Connect via Base Connect or essence.a.campbell.mil@army.mil

JFHQ EO NCO: MSG Zonzurea Thomas: Connect via Base Connect or
zonzurea.thomas.mil@army.mil

SHARP (contact first for sexual harassment) 24/7 cell: 405-343-7260
or BDE level SARC: _____



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



Sexual Assault & Prevention Response



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE





NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON
WASHINGTON, DC 20301-1636

24 FEB 26

MEMORANDUM FOR THE ADJUTANTS GENERAL AND THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA

Subject: National Guard Sexual Assault Prevention and Response Risk Assessment
Guide

References: (a) CNGB Memorandum, "Sexual Assault Prevention Task Force
Recommendations," 10 November 2021
(b) CNGB Instruction 1300.01, "National Guard Sexual Assault Prevention
and Response Program," 26 June 2020
(c) Joint Risk Assessment Tool (JRAT) <jrat.safety.army.mil/ > (CAC
Required)

1. In accordance with the references, the attached "National Guard Sexual Assault
Prevention and Response Risk Assessment Tool User Guide for Commanders" is a
resource Sexual Assault Prevention and Response Professionals will use to brief
Commanders on the proactive steps to reduce risk associated with sexual assault and
sexual harassment.
2. Sexual assault and sexual harassment not only result in harm to the individual
National Guard Service member, but also impact mission readiness and can result in
mission failure. It is incumbent upon National Guard leadership to identify and address
risk elements to foster healthy command climates, protect our Service members, and
improve mission success.
3. Point of contact is Colonel Marcia L. Cole; NGB-J1-S; 928-989-6077.

A handwritten signature in black ink, reading "S.S. Nordhaus", is positioned above the printed name.

STEVEN S. NORDHAUS
General, USAF
Chief, National Guard Bureau

Attachment:
As stated

Sexual Assault Prevention and Response

Risk Assessment Tool User Guide

for

Commanders



National Guard Bureau

February 2026

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INTRODUCTION

The “SAPR Risk Assessment Tool User Guide for Commanders” is designed to provide Commanders with a baseline understanding for identifying and mitigating risk associated with sexual assault and sexual harassment. SAPR personnel will use this guide to increase a Commander’s ability to identify and reduce the risk of sexual assault or sexual harassment during annual training, drills, mobilizations, deployments, or any unit event. This guide can provide a framework to explain the importance of being proactive and to highlight resources available to maintain a mission ready force.

Identifying and mitigating risk is an essential part of a Commander’s duties. Sexual assault and sexual harassment not only cause harm to the individual National Guard Service member, but also impact readiness and can result in mission failure.

Commanders who recognize sexual assault and sexual harassment as a tactical threat to mission readiness and fully engage to address risk elements within their control are taking proactive steps to protect their Service members and, in turn, improve readiness.

The intent of this guide is for SAPR personnel’s use to help Commanders understand the importance of incorporating a sexual assault and sexual harassment risk assessment along with the standard risk assessment tools to provide a more thorough description of the potential risks associated with an event, mission, or other type of engagement. The tool focuses on risk elements within the awareness and direct control of Command. When building this guide, data from National Guard SAPR reports was reviewed to identify case trends with risk elements easily addressed by Command. Case trend information highlighted issues involving mobilizations when there is excess down time, unsuitable sleeping arrangements or an overall lack of supervision of members.

Additional risk and protective factors discussed in this guide are from the 2021 RAND Corporation report “Risk Factors for Sexual Assault and Sexual Harassment in the U.S. Military” by Terry L. Schell, Andrew R. Morral, and Matthew Cefalu, and can be found at: <https://www.rand.org/pubs/research_reports/RR870z9.html>. Risk factors identified in existing research show stronger correlations for women. Men are victims of sexual assault and sexual harassment but there is no current data showing any significant risk factors for men beyond prior victimization. For this reason, men were not included in the Risk Assessment Tool.

INSTRUCTIONS FOR SAPR PERSONNEL

Prior to engaging with a Commander on the use of this guide, SAPR personnel should thoroughly review the content and read the referenced RAND study to gain an in-depth understanding of the risk factors.

In accordance with Department of Defense Instruction 6495.02, Volume 1, 28 March 2013, “Adult Sexual Assault Prevention and Response: Program Requirements,” Incorporating Change 9, 18 March 2025, new Commanders are required to meet their Sexual Assault Response Coordinator (SARC) within 30 days after taking command. SARCs, in collaboration with command, will identify units with upcoming change of commands and the name and contact information of the incoming Commander. The SARC or SAPR Officer will use this information to coordinate the required initial meeting to discuss the State’s SAPR Program. During this meeting, SARCs will share this guide with the Commander, review the material, and discuss the scenarios and assessment tool for use in determining sexual assault and sexual harassment risk factors and potential mitigation efforts. SARCs may consider arranging a separate meeting to discuss this guide with the Commander.

In preparation for the meeting, it would be beneficial to meet with the Family Programs and Equal Opportunity professionals, and the Director of Psychological Health or the Behavioral Health Officer, as appropriate, to review the overall trends or concerns specific to the Command. If relevant data is not available, the meeting with Command can focus solely on the Risk Assessment Tool case scenarios, which may be modified to match the type of unit or wing. In addition to reviewing this guide, the SARC will also identify the unit demographics, such as average age, rank, and male and female percentages.

Prior to the meeting: Print copies of the following pages from this guide:

- One copy of pages 7 through 11.
- Five copies of page 6 for use in scoring each scenario.
- One copy of the complete “Sexual Assault Prevention and Response, Risk Assessment Tool User Guide for Commanders.”

During the meeting:

- Explain the impact of sexual assault and sexual harassment on readiness.
- Provide an overview of the SAPR Program and data sources and risk factors.
- Explain the SAPR low-high (1 to 5) risk ratings.
- Review and explain the Risk Factors and Mitigation Actions on pages 4 and 5.
- Explain how to use the Risk Assessment Tool on page 6 to score the scenarios.
- Provide the scenarios on page 7 and 8 and guide the Commander in developing scores.

- Review the scores and identify any areas missed.
- Use pages 9 through 11 to discuss mitigation actions to be taken to reduce the risks for each scenario.
- If the Unit or Wing has an upcoming event (drill, mobilization, or deployment) explore any associated risk factors and offer suggestions to mitigate risk.

UNDERSTANDING AND MITIGATING RISK FACTORS

Key Risk Factors for Female Service members include:

- Age 17-24.
 - 21-22 High Risk
 - 17-20 Medium Risk
 - 23-24 Lower Risk
- Percentage of Females in Unit or Wing.
 - 1-34 percent High Risk
 - 35-49 percent Medium Risk
 - > 49 percent Lower Risk
- Enlisted Rank.
 - E4 High Risk
 - E1-E3 Medium Risk
 - E5 Lower Risk
- Single, not married: High Risk
- Time in the National Guard <90 Days: High Risk

Mitigation Actions

- Awareness – Know your people and demographics
- Recruit, Retain, and Promote Quality Personnel
- Same Sex Sponsorship program for new Service members
- Segregated sleeping quarters for male and females during mobilizations

Key Risk Factors for a Unit or Wing include:

Sexual harassment or Sexual assault cases in the last two years.

- 3 or more High Risk
- 2 Medium Risk
- 1 Lower Risk

Alcohol Risk Factors include:

- Drinking age at location.
 - < 20 High Risk
 - 20 Medium Risk
 - 21+ Lower Risk
- SAPR risk factor binge drinking and memory loss.
 - Tier 5 or 4 High Risk
 - Tier 3 or 2 Medium Risk
 - Tier 1 Lower Risk
- Alcohol Availability at Location and Unit Policy.
 - Available and no policy High Risk
 - Available and policy Medium Risk
 - No alcohol available Lower Risk

Mitigation Actions

- Unit Alcohol Policy
- Resources for substance abuse
- Alcohol-Free events

UNDERSTANDING AND MITIGATING RISK FACTORS

SAPR Elements:

- Sexually harassing behaviors reported.
 - 5 or 4 High Risk
 - 3 or 2 Medium Risk
 - 1 Lower Risk
- Defense Organizational Climate Survey (DEOCS). Comments Reflect Sexual Harassment and/or Sexual Assault trends

Mission and Event Specific Factors:

- Opposite Sexes Lodging in the Same Hotel or Large Group Sleeping Quarters.
- Access to Non-Mission Personnel at location.
 - Off Base Lodging High Risk
 - On Base Lodging Medium Risk
 - Barracks Lower Risk
- Supervision After Hours.
 - None -- High Risk
 - Lights Out and Security Checks -- Lower Risk
- Cultural Factors at Location.
 - Endorsement of respect for all Service members
- Event Time and Attendees.
 - Evening and No Families -- Highest Risk
 - Evening and Families -- Medium Risk
 - Daytime and Any -- Lower Risk
- After Event Behavior.
 - Continued drinking at different location -- High Risk
 - Continued drinking at event location then going home -- Medium Risk
 - No alcohol, going directly home -- Lower Risk

Mitigation Actions

- Meet SARC personnel to build plan of action to address climate
- Supervision Plan
- Leadership presence: offices, quarters co-located or near Service members
- Status of Personnel: Check in at Regular Intervals
- Designated Drivers: Two People, one male and one female
- Wingman/Battle Buddy plan to address risk from cultural attitudes
- Unit Alcohol Policy
- Awareness of after-event behavior plans
- Access to resources: SARC and Equal Opportunity

RISK ASSESSMENT SCENARIOS

The Risk Assessment scenarios can be completed alone or facilitated by SAPR personnel. Using the Risk Assessment tool below, review each scenario, determine the risk factors present and calculate the total risk score. Next, describe five actions to mitigate the identified risk factors. Include resources in the State or Wing who would provide support and additional guidance.

RISK ASSESSMENT TOOL

Event Factors	Point Range			Score
	1	2	3	
Average Female Age in Unit or Team	23-24	17-20	21-22	
Small percent of Females in Unit or Team	>49 percent	35-49 percent	1-34 percent	
Average Rank of Female(s) in Unit or Team	E5	E1-E3	E4	
Single Female Members in Unit or Team	N/A	Any	N/A	
New (<90 days) Female Members in Unit or Team	N/A	Any	N/A	
Sexual Harassment or Assault cases in Unit or Team Last 2 Years	1	2	3	
Sexually Harassing Behaviors	Tier 1	Tier 2 or 3	Tier 4 or 5	
Unit DEOCS Comments: Apparent Sexual Harassment Trend	N/A	Any	N/A	
Work Hours During Mission	>60 hours per week	41-60 hours per week	<41 hours per week	
Poorly Defined Mission or Duties	Yes	N/A	N/A	
Both Males and Females Lodging in same Motel or large Group Sleeping Quarters)	N/A	Yes	N/A	
Supervision After Hours	Charge of Quarters or Lights Out or Security Check	N/A	None	
Binge Drinking + Alcohol Memory Loss	Tier 1	Tier 2 or 3	Tier 4 or 5	
Cultural Attitudes toward Women at Location	N/A	Require Respect for All	N/A	
Drinking Age at Location	21+	20	<20	
Alcohol Availability at Location and Unit Policy	Not Available	Available + Policy	Available + No Policy	
Access to Non-Mission Personnel at Location	Barracks	On-Base Lodging	Off Base Lodging	
Event Time and Attendees	Daytime and Any	Evening and Families	Evening and No Families	
After Event Behavior	No alcohol, going home	Alcohol, going home	Alcohol, staying at event location	
			Total:	

RISK ASSESSMENT SCENARIOS

Scenario 1

- A team of seven military Service members are going on Temporary Duty to Poland for 30 days.
- The Officer in charge is heavily focused on morale and often plans after-work events for the unit.
- Members will be staying off-base in civilian billeting.
- Average age of the team is 24 (range: 19 to 35) with three women and four men.
- Members will be working a regular 40-hour work week and there is a Temporary Duty policy in place to minimize alcohol consumption.

Scenario 2

- A unit of 136 military Service members is having a military ball at a hotel off base, and members have been encouraged to stay overnight at the hotel. No spouses or guests are invited.
- The event starts at 2100 hours and there will be alcohol.
- The SAPR report for this unit reported one risk for "Frequent alcohol memory loss" and two risks for "Frequent binge drinking."
- The unit is 16 percent female and 84 percent male.

Scenario 3

- According to the DEOCS reports, a senior member of the warehouse team is known for making degrading, inappropriate sex-related "jokes" in the presence of his junior enlisted members and makes unwanted sexual advances towards the new, single women in the unit.
- There were three sexual harassment complaints in the squadron over the last year, with two of them being substantiated, but none against the senior member in question.
- Sexually harassing behaviors were a four on the squadron's most recent SAPR report.

RISK ASSESSMENT SCENARIOS

Scenario 4

- A unit of 23 military Service members is deploying for six months to Al Udeid Air Base.
- The unit consists of four E-3s, seven E-4s, six E-5s, two E-7s, one E-8, two O-3s, and one O-4.
- The unit is 25 percent female, all are E5 and below.
- Members on the team only know they are being deployed to “guard something.”
- Members will be on a four day, 10 hour work schedule and sleeping in a barracks with a Charge of Quarters desk.

Scenario 5

- The unit is 55 percent female and a single male, an O-4 in the medical unit, likes to host parties at his home during the weekends.
- There is often a mix of military members, DoD civilians, and non-DoD civilians.
- Alcohol is provided, although much less when families with children are invited.
- The parties start from 1300-1900 hours but have no official end time and members sometimes stay the night.

RISK ASSESSMENT SCENARIO SCORE DISCUSSION	
Scenario 1	Score (+/-3) 26
Risk	Mitigation
Average female age in unit or team.	Supervision related to alcohol and mixed female and male situations. Command discretion on team composition.
Combined male and female lodging arrangements.	Awareness, headcount, bed check, personnel in room at set time. No parties in hotel rooms.
Alcohol availability at location and unit policy.	Establish and highlight alcohol policy at location.
Drinking age at location.	Direct members under 21 that alcohol consumption is not permitted regardless of legal drinking age in Poland.
Work hours during mission.	Track individual plans for free time. Consider working unit projects or continuing education to provide structure to limit opportunities for risky decisions.
Event time.	Schedule after-work events early and do not center events on alcohol. Enforce lights out time and nightly headcount before lights out.
Scenario 2	Score (+/-3) 21
Risk	Mitigation
Event time and attendees.	Adjust start time to 1900 hours. Encourage attendance of spouses or partners.
After event behavior.	Coordinate designated drivers or safe transportation after event.
SAPR risk factor: Binge drinking and alcohol memory loss.	Limit alcohol consumption to two drinks per person.
Small percentage of females in unit or team.	Wingman or Battle Buddy plan. Larger discussion with SAPR personnel to improve recruitment, retention, and empowerment of female personnel.

RISK ASSESSMENT SCENARIO SCORE DISCUSSION	
Scenario 3	Score (+/-3) 24
Risk	Mitigation
Sexual harassment cases in squadron in last two years.	Meet with SAPR personnel to identify evidence-based intervention to improve unit cohesion and reduce sexual harassment.
SAPR risk factor: Sexually harassing behaviors.	Meet with senior members of the unit personnel to discuss roles, responsibilities, and behavior.
Squadron or Brigades DEOCS comments: Apparent sexual harassment trend.	Provide DEOCS out-brief to squadron and have SAPR personnel implement targeted strategy.
Scenario 4	Score (+/-3) 15
Risk	Mitigation
Ill-defined mission.	Leadership expectations defined; mission purpose defined. Schedule and structure established.
Average rank of females in unit or team.	Wingman or Battle Buddy Plan. Larger discussion with SAPR personnel to improve recruitment, female empowerment.
Work hours during mission.	Track individual plans for free time. Consider working unit projects or continuing education to provide structure and limit opportunities for risky decisions.
Cultural factors specific to location.	Consider specific male or female risks to the mission, for example, supervising refugees at night if there is a general cultural lack of respect for either sex. Wingmen or Battle Buddy approach. Assess risk factors present in local area outside of base.

RISK ASSESSMENT SCENARIO SCORE DISCUSSION	
Scenario 5	Score (+/-3) 8
Risk	Mitigation
Event time and attendees.	Meet with the O4 who is hosting the event(s) and discuss risk of fraternization, sexual assault, or sexual harassment incidents at these events.
After-event behavior.	Work with Substance Abuse personnel and SAPR personnel to develop and implement prevention strategy to improve protective factors across multiple risk areas.
Access to non-mission personnel at location.	
Alcohol availability at location.	Conduct leadership briefing to unit regarding fraternization, conduct during off-duty hours.

SAPR Risk Assessment Tool Handout

(Accompanies NGB SAPR Risk Assessment Tool User Guide)

Sexual harassment and assault are significant threats to military readiness. A proactive Risk Management (RM) approach is essential to reduce these threats. Identifying potential hazards, assessing the associated risks, and implementing effective mitigation controls are crucial. The 5-Step RM Process helps leaders make informed decisions that protect their personnel and preserve mission effectiveness.

The 5-Step Risk Management Process

1. This is a continuous cycle designed to systematically identify and mitigate risk.
1. Identify the Hazards: Analyze the mission, environment, and personnel. Consider conditions that may foster Sexual Harassment or Assault.
2. Assess the Hazards: Evaluate identified hazards and determine risk level.
3. Develop Controls and Make Decisions: Formulate control measures to reduce or eliminate the risks.
4. Implement Controls: Put selected control measures by dedicating time and resources.
5. Supervise and Evaluate: Continuously monitor the effectiveness of control measures. If a control is ineffective or if circumstances change, repeat the process or analyze/change measures.

Sexual Assault/Sexual Harassment Risk Assessment Matrix		
Total Score Range		
Score	Risk Level	Recommended Action
19-30	Low	Standard procedures are likely sufficient. Continue to monitor.
31-45	Medium	Increased supervision and targeted mitigation actions are recommended.
46-57	High	Requires immediate leadership intervention and implementation of robust control measures to reduce risk.

Sexual Assault Risk Assessment Tool

To quantify the risk for a specific unit or activity, use the following assessment tool. For each factor, select the description that best applies to your situation and score the corresponding point value. Total all factors scores for a total risk score.

Factor	1	2	3	Score
Average Female Age in Unit/Team	23-24	17-20	21-22	
Small % of Females in Unit/Team	>49%	35-49%	1-34%	
Average Rank of Female(s) in Unit/Team	E5	E1-E3	E4	
Single Female Members in Unit/Team		Any		
New (<90 days) Female Members in Unit/Team		Any		
Sexual Harassment/Assault cases in Unit/Team Last 2 Years	1	2	3	
IPPT Risk Factor Sexually Harassing Behaviors	Tier 1	Tier 2 or 3	Tier 4 or 5	
Unit DEOS Comments: Apparent Sexual Harassment Trend		Any		
Work Hours During Mission	>60hr week	41-60hr week	<41hr week	
Ill Defined Mission / Duties	Yes			
Mixed Gender Lodging (hotel or large group sleeping quarters)		Yes		
Supervision After Hours	CQ/Lights Out/Security Check		None	
IPPT Risk Factor Binge Drinking + Alcohol Memory Loss	Tier 1	Tier 2 or 3	Tier 4 or 5	
Cultural Attitudes toward Women at Location		Endorsement of rigid gender roles		
Drinking Age at Location	21+	20	<20	
Alcohol Availability at Location and Unit Policy	Not Available	Available + Policy	Available + No Policy	
Access to Non-Mission Personnel at Location	Barracks	On-base Lodging	Off Base Lodging	
Event Time / Attendees	Daytime / Any	Evening / Families	Evening / No Families	
After Event Behavior	No alcohol, going home	Alcohol, going home	Alcohol, staying at event location	
			Total:	



Joint Resiliency Directorate





OKLAHOMA NATIONAL GUARD

HEALTH AND WELLNESS



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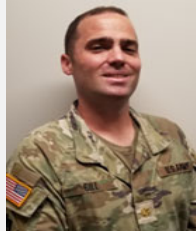


OKLAHOMA NATIONAL GUARD

HEALTH AND WELLNESS



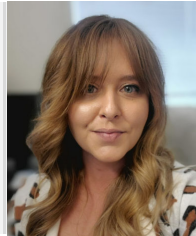
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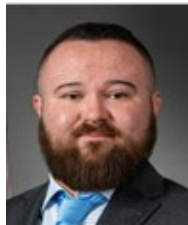


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OKLAHOMA NATIONAL GUARD

HEALTH AND WELLNESS

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CARES

Strengthening Connectedness, Resilience, and Readiness

Why It Matters

- Connected and engaged Soldiers are more resilient, mission-focused, and likely to remain in the force.
- Strong leadership support and positive relationships reduce risk factors associated with suicide, substance misuse, sexual violence, harassment and other harmful behaviors.
- Units with strong protective factors demonstrate higher morale, readiness, and retention.

How IPPW Helps

- Provides education and skill-building opportunities that strengthen resilience and healthy relationships.
- Enhances connectedness between Soldiers, leaders, and available resources.
- Promotes help-seeking behaviors and early intervention before challenges impact mission performance.
- Supports leaders in building a culture where Soldiers feel valued, supported, and ready to perform.

Commander Benefit

- Increased unit cohesion and trust.
- Improved readiness and retention.
- Reduced risk factors that negatively impact mission accomplishment.

PROJECT SAFEGUARD

Safe Storage. Save Lives.

Why It Matters

- Temporary barriers to lethal means during periods of crisis save lives.
- Safe storage practices reduce the likelihood of impulsive decisions resulting in tragedy.
- Promoting firearm safety supports force health, resilience, and readiness.

How IPPW Helps

- Provides education on safe firearm and medication storage practices.
- Supplies leaders with resources and talking points to support prevention efforts.
- Partners with Service Members and Families to increase awareness and responsible storage practices.
- Supports command efforts to reduce suicide risk while respecting individual rights and responsibilities.

Commander Benefit

- Strengthens protective factors within the formation.
- Supports suicide prevention efforts through practical, evidence-informed strategies.
- Contributes to a safer and more resilient force.

EMOTIONAL INTELLIGENCE

Better Leaders. Stronger Teams.

Why It Matters

- Leaders who understand and manage emotions communicate more effectively, build trust faster, and make better decisions under pressure.
- Emotional Intelligence strengthens morale, cohesion, and psychological safety within formations.
- Early recognition of stress, conflict, and disengagement allows leaders to intervene before issues escalate.

How IPPW Helps

- Provides leadership development focused on self-awareness, communication, and relationship management.
- Enhances conflict resolution and stress management skills.

- Strengthens trust and accountability within teams.
- Equips leaders with practical tools to improve command climate and team performance.

Commander Benefit

- Improved communication and decision-making.
- Stronger leader-Soldier relationships.
- Increased cohesion, readiness, and mission effectiveness.

COMMAND ACTION PLANS (CAPs)

Assess. Plan. Act. Improve.

Why It Matters

- Commanders are most effective when decisions are informed by data rather than assumptions.
- Identifying trends, strengths, and challenges allows leaders to address issues before they impact readiness and retention.
- Focused prevention efforts create measurable improvements in command climate and organizational effectiveness.

How IPPW Helps

- Analyzes organizational data to identify risk and protective factors.
- Assists leaders in developing targeted, achievable prevention strategies.
- Helps prioritize actions based on unit-specific needs and concerns.
- Supports implementation and follow-up to ensure progress is measured and sustained.

Commander Benefit

- Clear, actionable plans tied to identified needs.
 - Improved command climate and readiness.
 - Increased retention and trust within the formation.
 - Data-driven solutions that support mission success.
-

DEOCS DEBRIEFS

Listen. Understand. Improve.

Why It Matters

- DEOCS provides commanders with valuable insight into the perceptions, experiences, and areas for growth within their personnel.
- Understanding climate trends allows leaders to address issues impacting trust, cohesion, and readiness.
- Survey data is most effective when translated into meaningful action.

How IPPW Helps

- Interprets quantitative and qualitative DEOCS findings.
- Identifies key themes, strengths, concerns, and opportunities for improvement.
- Facilitates leader discussions focused on practical solutions.
- Assists commanders in prioritizing actions that improve climate, trust, and organizational effectiveness.

Commander Benefit

- Better understanding of unit climate.
- Increased confidence in decision-making.
- Actionable recommendations tied to readiness and retention.
- Improved trust, communication, and overall well-being within the formation.

SUICIDE IDEATION BATTLE DRILL

PHASE 1: EMERGENCY RESPONSE

EXPRESSION OF SUICIDAL IDEATION

Service-Member (SM) expresses Suicidal Ideation **(SI)** or exhibits signs which indicate suicide risk including:

- Feeling hopeless
- Being a burden to others
- Making references to death or to "being gone"
- Plans for others to take care of SM's loved ones
- Extreme mood swings
- Agitation or rage
- Dangerous or risky behavior
- Isolation and withdrawal

NOT PRESENT WITH SM – If you ARE NOT WITH the SM, do the following:

ON THE PHONE / TEXT WITH SM

- If on *text*, encourage SM to talk on the *phone* with you.
- If SM *refuses* to get on the phone, make effort to *keep them engaged on text*.
- *Remain in contact* with SM until safety is established.
- *Determine location* of SM.
- If there is an *immediate threat to safety* of SM or others, have someone **CALL 911**.
- If there is *no immediate threat of safety* to SM or others, engage Leader/Chaplain/Battle Buddy to determine or conduct an in-person wellness check on the SM.
- Once with SM, *follow steps in next section* (PRESENT WITH SM).

INFORMED ABOUT SM WITH SI

- Make every effort to *contact* the SM.
- If unable to make contact, *engage family members* or other support systems you may be aware of.
- **CALL 911** to execute a wellness check.
- If phone contact is made with SM, *follow the steps above*.

PRESENT WITH SM – If you ARE WITH the SM, do the following:

STEP 1: ENSURE SAFETY OF SM

- **DO NOT LEAVE THE SM ALONE, NOT EVEN FOR THE BATHROOM!**
- **LIMIT ACCESS TO HARMFUL MEANS:**
 - *Remove / secure* weapons and medications and any other *possible means of suicide*.
- **GATHER MORE INFORMATION** about SM's SI:
 - **ASK:** Have you been thinking about suicide / ending your life?
 - **ASK:** Do you have a plan?
 - **ASK:** Do you intend to follow-through on your plan?
 - **ASK:** Do you have a timeline for acting on your suicidal thoughts?

STEP 2: ENGAGE HEALTH CARE PROVIDER (HCP) TO DETERMINE LEVEL OF RISK

- **TAKE ONE OR MORE OF THE FOLLOWING ACTIONS:**
 - **CALL 911** if SM is not cooperative with plan to be evaluated by HCP
 - **CALL 988** – Suicide and Crisis Lifeline (press 1)
 - Transport SM to **NEAREST HOSPITAL EMERGENCY ROOM**
 - **CONTACT BEHAVIORAL HEALTH (BH) PROGRAM (During Duty Hours)**

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OKARNG PHC	<i>Vacant</i>	(572) 247-xxxx
137 th SOW DPH	Dr. David Z. Smith, LCSW	(405) 686-5145
138 th FW DPH	Ms. Kortnie Ramos, LCSW	(918) 833-7875
OKARNG F/T Support CH	CH/LTC David F. Jordan	(572) 247-5167

WHEN TRANSPORTING SM TO HOSPITAL EMERGENCY ROOM (ER): CONTINUE TO STAY WITH SM, MONITORING FOR SAFETY. Communicate safety concerns with ER STAFF, ensuring staff have accurate information. SM may minimize their risk so, you report any statements made and behavior exhibited by SM.

PHASE 2: NOTIFICATION

COMMANDERS CRITICAL / SERIOUS INCIDENT REPORT (CCIR/SIR)

- Unit Staff will complete CCIR/SIR.
- CCIR/SIR is sent to Joint Operations Center (JOC)
- Ensure receipt by JOC.
- DPH will receive CCIR/SIR from JOC
- DPH will follow up with SM to determine the need for additional BH intervention.
- DPH refers SM as needed and provides information to the Chain of Command as appropriate.

PHASE 3: FOLLOW-UP

COMMANDER OR DESIGNEE WILL:

- Monitor for additional action from Case Management – G1 Med (e.g., profile).
- In conjunction with DPH, Commanders can consider if CDBHE is appropriate.
- Reinforce with SM the importance of engagement in BH treatment.
- Collaborate with DPH for ongoing SM support plan.

Updated 27APRIL2026 – POC: NGOK-HRW

IT'S OKAY

TO ASK FOR HELP

You don't have to
fight your battles
alone.
Seek Help.

Remember to check-in for yourself, your family, and peers. If you do not know where to start, begin here!

For General Assistance,
Follow the QR Code



**For Life
Threatening
Emergencies,
CALL 9-1-1**

**For Mental
Health Crises
CALL or TEXT
9-8-8**



Oklahoma Army National Guard
Holistic Health and Fitness (H2F)
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HOLISTIC HEALTH AND FITNESS (H2F)

Optimize Performance. Reduce Injury. Maximize Lethality.



Who We Are

- Army's primary investment in Soldier readiness and lethality.
- We assist Soldiers in optimizing physical and non-physical performance, minimize potential injuries, and improve rehabilitation after injury, all to increase the readiness of our force. The OKNG Wellness Center houses the full-time and an M-day team. OKRTI houses an M-day team.
- We cover five key domains:
 1. Spiritual Readiness — The development of personal qualities needed to sustain a person in times of stress, hardship, and tragedy.
 2. Mental Readiness — The ability to meet the mental demands of combat or duty position.
 3. Nutritional Readiness — The ability to recognize, select, and consume the requisite food and drink to meet the physical and non-physical demands of any duty or combat.
 4. Sleep Readiness — The ability to implement the requisite sleep principles and behaviors to support optimal brain and physical function.
 5. Physical Readiness — The ability to meet the physical demands of any duty or combat and accomplish the mission.

Why It Matters

- Comprehensive fitness across all five domains (Physical, Nutritional, Mental, Spiritual, and Sleep) is the foundation of Soldier readiness.
- Proactive health and performance strategies significantly reduce musculoskeletal injuries and associated medical profile days.
- Optimized human performance directly translates to increased survivability, resilience, and mission success in multidomain operations.

How H2F Helps

- Leverages the state-of-the-art OKNG Wellness Center in Oklahoma City, offering dedicated workout spaces, classroom training, indoor/outdoor meditation spaces, a chapel, and a teaching kitchen.
- Unifies state resources by operating hand-in-hand with the Joint Resilience Directorate (Behavioral Health, Chaplains, Family Programs, and Suicide/Substance Prevention).
- Provides early intervention and rehabilitation for injuries and stressors, preventing long-term degradation of the force.
- Equips Soldiers with the education and tools needed to take ownership of their personal readiness and overall well-being (certified H2F-I, P3T, TMAR-M, etc. SME's).

Commander Benefit

- Decreased non-deployable rates and fewer days lost to injury profiles.
 - Enhanced physical lethality and cognitive dominance across the formation.
 - Improved overall unit readiness, cohesion, and sustained mission effectiveness.
 - Builds local capability by allowing commanders to send high-speed Soldiers to get certified as H2F personnel to drive performance from within the unit.
-

1. H2F- I (Integrator)

- The Role: The tactical-level subject matter experts. They advise commanders on physical training programming, coordinate directly state H2F full-time and M-day teams, and establish the unit's baseline fitness plans.
- The Training: This is a rigorous course.
 - Commanders provide an appointment memorandum, enroll Soldier in ATARRS for Phase 1.
 - Phase 1 is an on-line course. You have 30 days to complete. Completion time takes approximately 40-60 hrs. total.
 - Upon completion of Phase 1, enroll in Phase 2 for an in-person, two-week course. Location TBD based on ATRRS or MTT locations. Limited seating and deploying units have priority.

- Phase 2 is hosted at the H2F Academy (Fort Jackson, SC) or regional training sites. Enrollment is based on funds available through the G3. This is 2-weeks of intense in-residence training covering sports science, exercise physiology, and holistic health coaching.

NOTE: Additional Skill Identifier (ASI) P5 (enlisted) or 6P (officer).

2. H2F- A (Advisor): This is not offered for the Guard yet.

- The Role: This is a newly established senior tier course designed to strategically place human performance experts at a brigade staff level. The H2F-A synchronizes all physical and non-physical programming across thousands of Soldiers and serves as a key consultant directly to the Brigade Commander.
- Special Qualification Identifier (SQI) H. Earned via the multi-phase H2F-A Course at the H2F Academy
- The Training: This 10-week, three-phase course builds heavily upon the foundations learned as an H2F-I.

3. H2F- E (Extender): This course will come available for OK in FY27 provided funding is available.

- The Role: This course is for your company, platoon, or squad-level champions. They ensure that the five domains of H2F (Physical, Mental, Nutritional, Sleep, and Spiritual) are actively integrated into daily Soldiering tasks at the lowest levels.
- Prerequisites: In the National Guard/Reserve environments, registering for the H2F-E course typically requires a minimum rank of E-5 or O-2, being fully green on medical readiness (no temporary profiles), and passing the Army Fitness Test (AFT).

NOTE: H2F-E Courses are typically short-duration and run at the state level.

M.O.V.E. 28 (Mobilizing the Operational Vanguard to Execute the other 28 days)
(connectedness, healthy behaviors, leadership development)

Why It Matters

- Service Members are held to a year-round standard of readiness, yet direct leadership and programmatic support are traditionally confined to the 48-hour drill period.
- Without daily reinforcement, positive habits related to the five domains of H2F are difficult to sustain.
- For most of the month, Service Members are disconnected from their unit's supportive peer and leadership structures, which can increase feelings of isolation.

How M.O.V.E. 28 Helps

- Establishes a continuous, daily support system using a distributed digital platform and a network of trained volunteer peer leaders.
- Drives holistic health by having participants create and self-track Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) goals (e.g. steps per day, hydration, nutrition, exercise, enrichment, and sleep hygiene).
- Fosters small-unit connectedness through informal peer-led "Walk and Talks," weekly themed challenges, and specialized interest groups.
- Shifts support from reactive to proactive, allowing peer facilitators to identify early signs of readiness degradation and refer members to professional resources.

Commander Benefit

- Operates completely in the background, requiring zero day-to-day management from the Commander or First Sergeant.
- Develops a self-sustaining pipeline of specialized junior leaders, providing concrete, data-driven achievements for NCOER and OER bullet points.
- Measurably improves unit readiness through higher AFT/CFT scores, reduced preventable injury rates, and increased retention driven by strengthened unit cohesion.
- Empowers and encourages Service Members to learn and develop into future leaders.



Oklahoma Army National Guard Holistic Health and Fitness (H2F) Team



AFT Commanders Checklist		Go	No-Go
1	<u>AFT Graders</u>		
2	OIC / NCOIC are certified and trained in all aspects of the AFT administration in accordance to ATP 7-22.01		
3	All Graders are trained and know all AFT event standards, faults, terminations, and scoring requirements		
4	<u>Graded Soldiers</u>		
5	Soldiers being tested are properly trained and have the knowledge to execute all AFT events to standard per ATP 7-22.01		
6	Soldiers did not participate in fatiguing duties before taking the test		
7	Weather and environmental conditions will not inhibit or hinder Soldier's physical performance		
8	APFU is appropriate for weather and environmental conditions and adhere to AR 670-1		
9	<u>AFT Equipment is in good working condition and in adequate amounts</u>		
10	Hexbars with Clamps		
11	Weight Bumper Plates		
12	Sled with Straps		
13	40lbs Kettlebells		
14	Alternate Aerobic Equipment is available and quantity is adequate: Rowers and Stationary Bikes		
15	<u>Facilities/AFT Field Lane and Markings</u>		
16	AFT Field requested (RFMSS if applicable)		
17	Field Illumination is appropriate and / or requested if applicable		
18	Field is relatively flat, in grassy area or artificial turf, free of debris and hazards, and properly measured; Lanes are within 2.5 and 3-meters wide and 25-meters in length with a 5-meter buffering area		
19	Cones are used to clearly establish each lane		
20	Start and 25-meter markings are clear and established (Spray Paint or Engineer Tape is recommended)		
21	<u>Support Equipment: * Recommended Items - ** Required Items</u>		
22	Foam or Rubber Mats *		
23	Stopwatches **		
24	Water Cooler(s) *		
25	Ice Sheets * (suggested during warm weather)		
26	CLS Bag *		
27	Admin Table (s) *		
28	Clipboards *		
29	<u>2 Mile and 2.5 Mile Walk Course: Note: Adjust to add 61 feet and 4 inches if 2MR is in a 400m track</u>		
30	Course is relatively flat, improved terrain with not more than 3% grade		
31	If performed on a road or highway; traffic hazards risk mitigations are in place (i.e. road guards, pedestrian lane(s) are safe, course map is explained and clearly marked		
32	Start Line is within 10 mins after the 5th Event is performed		
33	<u>AFT Binder</u>		
34	DA 705		
35	ATP 7-22.01		
36	DD 2977 - Deliberate Risk Assessment		



Oklahoma Army National Guard Holistic Health and Fitness (H2F) Team



AFT Testing Sequence Checklist		Go	No-Go
1	ACFT Protocols prior to the Events		
2	Prep-Drill - Dynamic Warmup (performed at the Soldiers's own tolerance/effort level)		
3	AFT Instructions are Read and Understood		
4	DA 705 Filled Out		
5	MDL Warm-Up (10 mins varying from 25 to 80 percent of their goal weight)		
6	AFT Events		
7	3MDL - Graders Control their Lanes		
8	Soldiers align behind a testing lane with a Grader (no more than 5 per line)		
9	Soldiers execute 1 or 2 record attempts. Results are recorded on the DA 705		
10	HRP - OIC/NCOIC control the Start and End for all the lanes		
11	Soldiers assume prone position in behind their lanes ready to execute		
12	Graders are positioned (kneeling or sitting) about 3 feet in front and 45 degrees from the head (to the left or right for observation of Soldier		
13	The OIC/NCOIC gives the command GO and grader records correctly performed repetitions (Grader counts out loud)		
14	SDC - OIC/NCOIC Gives the command GO. Graders start their stopwatch and record times for both lanes		
15	Soldier positions behind the start line (HRP start position)		
16	Graders work together with their adjacent lanes. One grader becomes the time keeper, second grader monitors the end of the lane to ensure that Soldier touches the line and crosses the turn properly		
17	Soldiers times are recorded on their DA 705		
18	PLK - Each lane grader controls and times their own lane		
19	Soldiers assume a get ready position behind their respective lanes (One grader can grade all Soldiers)		
20	Upon given the Command "Go" by the Grader, the graded Soldiers maintain the proper PLK position throughout the event. Observe: 1. hands and feet are properly placed and spaced 2. body is in straight line from head to ankles		
21	Soldiers times are recorded on their DA 705		
22	10 mins rest begins for the 6th Event (2MR/2.5 Walk/5K Row/12K Bike/1K Swim)		
23	2MR - OIC/NCOIC gives the command "Go" for all Soldiers and calls out the times		
24	After 10 mins from the time the last Soldier finishes the PLK, the command "Go" is given by the OIC/NCOIC to begin the event		
25	Graders observe and record each of their assigned soldiers completion times and record on DA 705.		
26	Graders tally the scores and obtain their graded soldier's signature prior to leaving the testing area		
27	Alternate Aerobic Events - 2.5M Walk, 5K Row, 12K Bike, 1K Swim		
28	After 10 mins from the time the last soldier finishes the PLK, the command GO is given by the OIC/NCOIC to begin the event		
29	Graders observe and record each of their assigned soldiers completion times and record on DA 705.		
30	Graders tally the scores and obtain their graded soldier's signature prior to leaving the testing area		
31	Cooldown/Recovery Drills		
32	Recovery Drills are performed - Collective or individual		



Oklahoma Army National Guard Holistic Health and Fitness (H2F) Team



CFT Commanders Checklist		Go	No-Go
1	<u>CFT Graders</u>		
2	OIC/NCOIC are properly certified and trained in all the aspects of the CFT administration in accordance to ARMY DIR 2026-07		
3	All Graders have been properly trained and have knowledge of all of the CFT events standards, faults, termination and scoring		
4	<u>Graded Soldiers</u>		
5	Soldiers being tested have been properly trained and have the knowledge to execute all the CFT events to standard as per ARMY DIR 2026-07		
6	Soldiers did not participate in fatiguing duties before taking the test		
7	Weather and environmental conditions will not inhibit or hinder soldiers physical performance		
8	APFU is appropriate for weather and environmental conditions and adhere to AR 670-1		
9	<u>CFT Equipment is in good working condition and in adequate amounts</u>		
10	40 lb sand bags (?)		
11	65in platform (?)		
12	5gal army water cans (?)		
13	<u>Facilities/CFT Field Lane and Markings</u>		
14	AFT Field requested (RFMSS if applicable)		
15	Field Illumination is appropriate and or requested if applicable		
16	Field is relatively flat, in grassy area or artificial turf, free of debris and hazards and properly measured; Lanes are within 2.5 and 3 meters wide and 25 meters in length and 5 meter buffering area		
17	Cones are used to clearly establish each lane		
18	Flat Cones (recommended to mark distances for the SPT)		
19	Start and 25meter markings are clear and established (Spray Paint is recommended)		
20	<u>Support Equipment: * Recommended Items and ** Required Items</u>		
21	Foam or Rubber Mats *		
22	Stopwatches **		
23	Water Cooler(s) *		
24	Ice Sheets * (suggested during warm weather)		
25	CLS Bag *		
26	Admin Table (s) *		
27	Clipboards *		
28	<u>1 Mile Run (?)*</u>		
29	Course is relatively flat, improved terrain with not more than 3% grade		
30	If performed on a road or highway; traffic hazards risk mitigations are in place (i.e. road guards, pedestrian lane(s) are safe, course map is explained and clearly marked		
31	<u>CFT Binder</u>		
32	DA 705		
33	ARMY DIR 2026-07		
34	DD 2977 - Deliberate Risk Assessment		
35			
36	<u>*Awaiting Guidance</u>		



**Oklahoma Army National Guard
Holistic Health and Fitness (H2F) Team**



	CFT Testing Sequence Checklist	Go	No-Go
1	CFT Protocols prior to the Events		
2	Prep-Drill - Dynamic Warmup (performed at the SM's own tolerance/effort level)		
3	CFT Instructions Read		
4	DA 705 Filled Out		
5	CFT Events		
6	One mile run		
7			
8			
9	30 dead-stop pushups		
10			
11			
12			
13	100-meter sprint		
14			
15			
16			
17	16 forty-pound sandbag lifts onto a 65-inch platform		
18			
19			
20			
21			
22	50-meter carry of two 5-gallon army water cans (each weighing 40 pounds)		
23			
24			
25			
26	50-meter movement drill consisting of a high crawl for 25m and a 25m, 3-5 second rush		
27			
28			
29	A second one mile run		
30	Cooldown/Recovery Drills		
31	Recovery Drills are performed - Collective or individual		



Health & Wellness

FY27 EVENTS CALENDAR



October

November

December

January 20 ACE-SI Tier 1 (Wellness Center)

February 24-25 iCOVER T4T (Wellness Center)

March 16 ACE-SI Tier 1 (MAFRC)

19-26 Oklahoma – Battlefield Resilience Camp (Gruber)

April 6 Suicide Prevention Symposium (Wellness Center)

20-22 Deployment Cycle Resilience Training (Wellness Center)

May 4 OKNG Wellness Day Event (NAFRC)

June 25 MH Prevention Symposium (NAFRC)

July

August 3 ACE-SI Tier 1 (Wellness Center)

13-20

Oklahoma – Battlefield Resilience Camp (Gruber)

September



Pre-Command Course JAG Briefing

Staff Judge Advocate's Office



Focus

- Military Justice
- Investigations
- Searches and Apprehension
- AWOL
- Unlawful Command Influence
- FLIPL Issues



Outline

- Military Justice and Adverse Actions
 - Adverse Admin Actions: Corrective Training, Negative Counseling, Admin Flag, Letter of Reprimand (authority, content, filing), Bar to Reenlistment (authority, requirements, timing, forms), Separation (Chapters, Notification)
 - OUCMJ (Authority, Process, Types of Offenses, Punishment options, filing options)
- Investigations
 - Commander's Inquiry Versus 15-6 Investigation
- Searches and Apprehension
 - Inspections versus Searches
- AWOL
- Unlawful Command Influence
- FLIPL Issues: CSDP, Inventories, Responsibility, Loss, Negligence, Proximate Cause



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JAG Officer's Working Relationship
with the Commander



Command Authority

- Statutory Command Authority
- Regulatory Command Authority
- Inherent Command Authority



Military Justice

- Purpose
 - Promote Justice
 - Maintain Good Order and Discipline
 - Promote Efficiency and Effectiveness in the Military
- Avenues of Approach
 - Adverse Administrative Actions
 - Nonjudicial Punishment
 - Courts-Martial – Only Used in Rare Cases



Adverse Admin Actions

- **Counseling** (AR 600-20)
- **Corrective Training** (AR 600-20)
- **Administrative Reprimands** (AR 600-37)
- **Bar to Reenlistment** (AR 600-200 and PPOM 09-026)
- **Admin FLAG** (AR 600-8-2)
- **Admin Reductions** (AR 600-8-19)
- **Admin Separations** (AR 135-178)
- **MOS Reclassification** (AR 600-200)
- **Security Clearance Revocation** (AR 380-67)
- **Relief from Duties**
- **Adverse NCOER/OER**
- **Removal from Special Status** (Promotion, Orders, etc.)



Counseling

The Key to Successful Negative Counseling:

- Soldier must understand the Commander's expectations for future conduct
- **Oral counseling is NOT enough (No Record)**
- Put it in writing and document misconduct/deficiency with specific examples
- DA 4856 (Counseling Form)
 - Include Magic Language Requirements of AR 135-178, paragraph 2-4b, in every negative counseling statement.
- Templates can be found on OKNG SharePoint
 - Leader development>Company Command Team Portal>Admin & Medical Readiness>Counseling Form Templates



Counseling Magic Language

- “You are hereby counseled for the above indicated misconduct and/or unsatisfactory duty performance in accordance with Army Regulation (AR) 135-178, paragraph 2-4b.
- Continued behavior of a similar nature or additional misconduct may result in initiation of a bar to reenlistment and/or a separation action to eliminate you from the Army National Guard.
- If you are separated for misconduct and/or unsatisfactory performance, you could receive an Honorable, General, or Other Than Honorable (OTH) Discharge.
- A General or OTH Discharge could severely prejudice you in civilian life.
- Additionally, it could deprive you of many or all military and veterans’ benefits to include forfeiture of all educational benefits.
- Any further misconduct or unsatisfactory performance may cause you to be eliminated without further counseling.”



Corrective Training

- AR 600-20, paragraph 4-6
- Training or instruction must be directly related to the deficiency observed and oriented to correct that particular deficiency
 - Remedial PT
 - Bi-hourly check-in for Failure to Report
- Training, **NOT PUNISHMENT**
- Must not be humiliating or degrading
- Leader should be present



Administrative Reprimands

- Authority: AR 600-37, Unfavorable Information
- Documents misconduct or poor performance in local or OMPF
 - Formal Procedures (Soldier may Rebut in Writing)
- Filing Options
 - Local File
 - Permanent File (OMPF Performance or Restricted Fische)
 - General Officer Directed



Bar to Reenlistment

- Procedure to deny reenlistment/immediate reenlistment extensions, and the future entrance into the ARNG/ARNGUS of substandard Soldiers whose immediate discharge under administrative procedures is not warranted.
- **Standard:** Only Soldiers of high moral character, personal competence, and demonstrated adaptability to the requirements of the professional Soldier's moral code may be reenlisted, immediately reenlisted or extended.



Bar to Reenlistment

Source Authority and Forms:

- NGR 600-200, paragraph 6-4, Enlisted Personnel Management
- NGB-ARH PM 09-026, dated 13 August 2009
 - <https://g1arng.army.pentagon.mil/Policies/Pages/default.aspx>
 - Click on PPOM-HRH, search “bar to reenlistment”
- NGB Form 602-R



Bar to Reenlistment | Requirements

- Any Commander in the Soldier’s chain of command can initiate
 - Determines a Soldier’s service beyond ETS without appropriate improvement, is not in the best interest of the ARNG/ARNGUS.
- Must be based on documented specific incidents.
 - Counseling Statements, Sworn Statements, Investigative Reports, Article 15s, Failed APFT, WCP, and Weapons Qual, etc.
- Falls into the categories on the next three slides



Bar to Reenlistment

Untrainable Soldiers:

- Failure to achieve individual weapons qualifications
- Failure of the Army Combat Fitness Test (ACFT)
- Obtaining low evaluation results from Army education activities
- Failure to submit an approved family care plan
- Failure to make satisfactory progress on Army Weight Control Program



Bar to Reenlistment

Unsuitable Soldiers:

1. *Late for formations, details, or assigned duties.*
2. *Unexcused absences and unsatisfactory participation.*
3. *Loss of clothing and equipment.*
4. *Substandard personal appearance.*
5. *Substandard personal hygiene.*
6. *Recurrent nonjudicial punishment.*
7. *Recurrent sickness on drill days without medical justification.*
8. *Cannot follow orders; shirks; takes too much time; is recalcitrant.*
9. *Cannot or will not train for a job; apathetic; disinterested; avoids training.*
10. *Cannot adapt to military life; uncooperative; involved in frequent difficulties with fellow Soldiers.*
11. *Failure to manage personal, marital, or family affairs. This includes failure to respond to duty requirements because of parenthood or custody of dependents (minor or adult) AR 600-20, paragraph 5-5.*



Bar to Reenlistment

12. Involved in immoral activities.

13. Personal behavior that brings discredit upon their unit and the ARNG/ARNGUS.

14. Failure to achieve individual weapons qualification.

15. Failure to pass the Army Physical Fitness Test. BAR to reenlistment is mandatory after second consecutive failure if separation processing is not initiated per NGR 600-200, paragraph 6-35 f and AR 135-178, Chapter 9.

16. Participation in the Army Weight Control Program in order to meet body fat requirements of AR 600-9 (Army Weight Control Program). A BAR to reenlistment is mandatory for Soldiers who do not make satisfactory progress in the weight control program after a period of six months, unless the responsible commander initiates separation processing per NGR 600-200, paragraph 6-35 m and AR 135-178, Chapter 16.

17. Removal for cause from NCOES courses. BAR to reenlistment is mandatory if separation processing is not initiated per NGR 600-200, paragraph 6-35 f and AR 135-178, Chapter 9.



Bar to Reenlistment

- Timing Issue
 - Must be reviewed every six months
 - Second six-month review, remove bar or initiate admin separation action
- Bar to Reenlistment Process
 - Identify Issues
 - Document Issues in Writing
 - Commander Initiates Bar
 - Any Commander in the Soldier's Chain of Command
 - Present Bar to Soldier
 - Provide opportunity for Soldier to Comment
 - If no comment, proceed to next step
 - Forward Bar and Substantiating Documents to Approving Authority
 - If Approved, counsel Soldier on right to appeal within 15 days
 - After final decision, file as provided in PPOM



Bar to Reenlistment | Approving Authorities

- Soldier with Less than 10 years* = First Commander, LTC (O-5) or above in the Soldier's Chain of Command
- Soldier with at least 18-years* but less than 20-years* will be allowed to attain 20 years* but may be subsequently barred by The Adjutant General, OKARNG from further reenlistment/extension
- All other situations = First Commander, COL (O-6) or above in the Soldier's Chain of Command

***Qualifying service for retired pay at ETS**



Admin Flag

Source **Authority** and Form:

- AR 600-8-2, Suspension of Favorable Personnel Actions (Flags)
- DA Form 268



Administrative Flag

Non-transferable Flags Required

1. **Charges, restraint, or investigation (civilian or military)**
2. Court-martial
3. **Nonjudicial Punishment**
4. **AWOL**
5. **Admin Reduction**
6. **Memorandums of Reprimand or Admonition**
7. Removal from Promotion, Command, or School Selection List
8. Referred OER while on promotion list
9. Security Violation

The effective date of a flag is the date of the incident or the date the commander (or general officer staff head) initiates the action, whichever is earlier.



Administrative Flag

Actions Prohibited by a Flag:

1. Appointment, reappointment, reenlistment, and extension.
2. Entry on active duty (AD) or active duty for training (ADT).
3. Reassignment.
4. Promotion or reevaluation for promotion.
5. Awards and decorations.
6. Attendance at civil or military schooling.
7. Unqualified resignation or discharge.
8. Retirement.
9. Advanced or excess leave.
10. Payment of enlistment bonus or selective reenlistment bonus.
11. Assumption of command.
12. Family member travel to an overseas command.
13. Command sponsorship of family members in an overseas command.



Admin Reductions

- Authority: AR 600-8-19, Chapter 10
 - Reduction for Misconduct
 - Reduction for Inefficiency



Admin Reductions

- Reduction for Misconduct (Civilian Conviction)
 - A Soldier convicted by a civil court or adjudged a juvenile offender by a civil court (domestic or foreign) will be reduced or considered for reduction according to AR 600-8-19, Table 7-2
 - Requirements
 - Reduction Board Not Always Required (see Table 7-2)
 - When: On receipt of documents establishing a sentence (imposed or vacation of a suspended sentence) or a finding of guilty with sentence to be established at a later date
 - Reduction Authority found in Table 7-2
 - Processing Guidelines in Table 7-3



Admin Reductions

Reduction for Inefficiency

- Inefficiency is:
 - A demonstration of characteristics that shows that the person cannot perform duties and responsibilities; or
 - Any act or conduct that clearly shows that the Soldier lacks those abilities and qualities normally required and expected of an individual of that grade and experience of the grade and MOS.



Admin Reductions

Requirements:

- Must have served in the unit for at least 90 days
- **Documentation** which evidences the Soldier's inefficiency
 - Counseling Statements, Record of Misconduct Actions Taken, Adverse Correspondence from Civil Authorities
- Reduction Board Required For:
 - CPL/SPC, when reducing more than one grade
 - SGT through SGM
- Notice and Opportunity to Respond must be given to Soldier prior to completion of the action
- Reduction Board may be waived in writing by Soldier



Admin Reductions

Reduction for Inefficiency Cannot Be Used:

- To reduce a Soldier for a single act of Misconduct
- In lieu of OUCMJ, Article 15 Type Action(s)
- To reduce Soldiers for actions which they were acquitted b/c of court-martial proceedings.



Admin Separations

Authority: AR 135-178, and NGR 600-200

- Chapter 4: Expiration of Service Obligation
- Chapter 5: Selected Changes in Service Obligations
- Chapter 6: Convenience of the Government
- Chapter 7: Defective Enlistments and Reenlistments
- Chapter 8: Entry Level Performance and Conduct
- Chapter 9: Unsatisfactory Performance
- Chapter 10: Substance Abuse Disorder
- Chapter 11: Misconduct
- Chapter 12: Unsatisfactory Participation in the Ready Reserve
- Chapter 14: Separation for Other Reasons
- Chapter 15: Failure to Meet Army Body Composition Standards



Admin Separations

- Counseling and Rehabilitation
- Medical Readiness Check
- Separation Process:
 - Notification
 - Right to Counsel
 - Characterization Recommendation
 - Separation Authority



Other Adverse Admin Actions

- MOS Reclassification
- Relief for Cause
- Adverse NCOER/OER
- Removal from Special Status
 - Promotion Lists, Schools, Orders, etc.
- Rehabilitative Transfer



Military Justice

TITLE 32, Oklahoma Code of Military Justice

VERSUS

TITLE 10, Uniform Code of Military Justice



Military Justice

- OUCMJ can be found in Title 44, Oklahoma Statutes, Chapter 7
 - <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=484649>
- Courts-Martial Issue
- Nonjudicial Punishment (NJP)
 - Can be found in 44 O.S. § 815
 - <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=484688>



Jurisdiction

Persons subject to the Oklahoma Uniform Code of Military Justice:

- A. The Oklahoma Uniform Code of Military Justice applies to all members of the state military forces at all times** who are not in active federal service, as defined by Title 10 of the United States Code.
- B. Subject matter jurisdiction is established if more likely than not a nexus exists between an offense, either military or nonmilitary, and the state military forces.** Courts-martial shall have primary jurisdiction over military offenses as defined in the Code.
- C.** The civilian courts shall have primary jurisdiction over nonmilitary offenses when an act or omission violates both the Code and local criminal law. In such a case, a court-martial may be initiated only after the civilian authority has declined to prosecute or has dismissed the charge, provided jeopardy has not attached. When a member is not in a duty status under Title 32 of the United States Code or on state active duty orders, there shall be a rebuttable presumption that subject matter jurisdiction does not exist under the Code. The Governor or Adjutant General may promulgate additional regulations prescribing how a convening authority shall determine the existence of a nexus between a nonmilitary offense and state military forces.
- D.** Jurisdiction over attempted crimes, conspiracy crimes, solicitation and accessory crimes shall be determined by the underlying offense
- E. If a Commander or officer in charge determines that a nexus exists between a nonmilitary offense and the state military forces, for purposes of administrative action, the commander or officer in charge may impose non-judicial punishment regardless of whether courts-martial jurisdiction is then possessed or later acquired by the state military forces**



Nonjudicial Punishment Offenses

- General Military Offenses
 - AWOL
 - Disrespect
 - Drinking on Duty
 - Assault and/or Battery
 - Larceny / Wrongful Appropriation
 - False Official Statement
 - Illegal Drug Use
 - Conduct Unbecoming an Officer
 - False or Fraudulent Claims
- List of Punitive Articles starts at 44 O.S. § 877
 - <http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKST44&level=1>



Company Grade NJP Options

Any commanding officer may impose upon enlisted members of the officer's command:

1. An admonition;
2. A reprimand;
3. The withholding of privileges for not more than six (6) months which need not be consecutive;
4. The forfeiture of pay of not more than seven (7) days' pay;
5. A fine of not more than seven (7) days' pay;
6. ~~A reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;~~ * **Only Brigade Commander can reduce a Soldier**
7. Extra duties, including fatigue or other duties, for not more than fourteen (14) days, **which need not be consecutive**; and
8. Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen (14) days, **which need not be consecutive**.



Field Grade NJP Options

Commanding officer, MAJ and Above, may impose upon enlisted members of the officer's command:

- 1. An admonition;
- 2. A reprimand;
- 3. The withholding of privileges for not more than six (6) months which need not be consecutive;
- 4. The forfeiture of not more than one-half (1/2) of one (1) month's pay per month for two (2) months;
- 5. A fine of not more than one (1) month's pay;
- 6. ~~A reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 shall not be reduced more than two pay grades;~~ **Only Brigade Commander can reduce***
- 7. Extra duties, including fatigue or other duties, for not more than forty-five (45) days which need not be consecutive; and
- 8. Restriction to certain specified limits, with or without suspension from duty, for not more than sixty (60) days which need not be consecutive.



Non-Judicial Punishment

- When to go Field Grade
- Notice and Time to Talk to Trial Defense Services or their Lawyer
- Restriction Election
- Appeals go to first O7 in the Chain of Command
- No Punishment Until After Appeal Is Completed
- Ensure you have AGR chain of command involved when dealing an AGR Soldier.



Soldier's Rights

- Oklahoma Uniform Code of Military Justice (OUCMJ)
- Article 31 – Compulsory Self-Incrimination Prohibited
 - Constitutional Right to a Lawyer
 - Miranda “Right to remain silent”
 - To be informed of the nature of the suspected offense
 - Constitutional Right to a Lawyer
- Other Constitutionally Derived Rights
 - Presumption of innocence
 - Right against self-incrimination
 - Right against unreasonable search and seizure
 - Fair and Impartial Hearing
 - Due Process: Notice and Opportunity to Respond



Oklahoma Guardsman's Rights

- Oklahoma Uniform Code of Military Justice (OUCMJ)
- 44 O.S. § 831 - Rights of Persons Subject to Code
 - Self-Incrimination
 - Interrogation
 - Statements
- The Right to Remain Silent
 - (B) No person subject to the Code shall interrogate or request any statement from an accused or a person suspected of an offense without first informing that person of the nature of the accusation and advising that person that the person does not have to make any statement regarding the offense of which the person is accused or suspected and that any statement made by the person may be used as evidence against the person in an administrative board proceeding, in nonjudicial punishment, or in a trial by court-martial.



Oklahoma Guardsman's Rights

- Oklahoma Uniform Code of Military Justice (OUCMJ)
- 44 O.S. § 3252(A)
- We Cannot Force Soldiers Talk
 - No person subject to the Oklahoma Uniform Code of Military Justice shall compel any person to incriminate himself or herself or to answer any question the answer to which may tend to incriminate him or her.



Investigations

- Routine Reports
- Commander's Inquiry
- 15-6 Investigations
- Civilian Law Enforcement Investigations



Searches and Apprehension

- Health and Welfare Inspections
 - Only done to promote the health and welfare of Soldiers
 - Cannot perform
- Probable Cause Searches
 - 4th Amendment Issues
 - Jurisdiction Issues
 - State Authority Issues
 - Federal Property Issues

**CONTACT YOUR UNIT'S JUDGE ADVOCATE BEFORE YOU
CONDUCT ANY SEARCHES!**



AWOL

- Apprehension Authority
- Arrest Warrants
 - **DO NOT USE**
 - No longer available under state statute
- Recovery Teams
 - Cannot use force to detain Soldier or enter Soldier's residence
- Alternative Courses of Action
 - Mark AWOL
 - AWOL Counseling
 - NJP
 - Admin Separation
 - 9+ MUTAs is grounds for OTH Separation
 - Other Adverse Admin Actions



Unlawful Command Influence

- Commander ordering specific disposition of a case to a subordinate Commander
- Inflexible Attitude or Predisposition of Punishment



FLIPL Issues

- **Responsibility**
 - Command, Supervisory, Direct, Custodial, and Personal
- **Loss**
 - Loss of, damage to, or destruction of, government property (includes loss of accountability)
- **Negligence**
 - Simple Negligence: Reasonable person standard
 - Gross Negligence: Extreme departure from due care
- **Proximate Cause**
 - Person's acts were the cause of the loss. No new cause present.



Article 15 Exercise

- Look at Article 15 Script Handout and Follow Along
 - 1st Reading
 - Different Possible Outcomes
 - 2nd Reading
 - Different Possible Outcomes
- The standard to make a decision is by a preponderance of the evidence
 - Do not leave out evidence because it is inconvenient



OCMJ Article FAQs

- Q: What Form Do I Use?
- A: OKARNG 96-E, Nov 2019

- Q: Does the Accused Get a Lawyer?
- A: Yes. TDS is at MURC.

- Q: What if the Accused Does Not Want to Wait?
- A: Drive On! Proceed with the Election of Rights, but get MFR stating subject wishes to proceed



OCMJ Article FAQs

- Q: What if the Accused Admits his Mistake and Asks for Forgiveness?
- A: He Can Show Mitigation (Not so Serious) or Extenuation (Lighter Punishment)

- Q: Can We Skip This “Dog and Pony Show?”
- A: You Must Not Decide the Case Before You Hear All the Evidence.



OCMJ Article FAQs

- Q: Is it All or Nothing?
- A: You Can Find the Accused Guilty of Some Offense(s), And Not Guilty of Others.

- Q: Can I Hang this Guy? Or at Least Kick Him Out?
- A: Read Your Script:
 1. Reduction: E-4 and below can be reduced 1 grade.
 2. Forfeiture or Fine: 7 day's pay.
 3. Extra Duty: Up to 14 days.
 4. Withholding of Privileges: Up to six (6) months.
 5. Admonition/Reprimand: May be done orally or in writing.



**JAG IS HERE TO HELP YOU SUCCEED.
WHAT ARE YOUR QUESTIONS?**



State Inspector General - Oklahoma

COL Shawn M. O'Brien



What Does An IG Actually Do? & How Can We Help You

IG FUNCTIONS		
INSPECTIONS	ASSISTANCE	INVESTIGATIONS
• Our greatest value to the Directing Authority • <u>Predominantly systemic</u> based • Identify and make recommendations to fix challenges	• An IG's biggest job • Help Leaders and Soldiers work through system/process problems • Reinforce the chain-of-command • Get the right people, with the right information, in the conversation	• Since 2018 most are referred to a Commander (Only IG's can investigate WBR) • Commander exercises authority to direct investigation or inquiry • Command action and monitoring • IG reviews to ensure allegations are addressed and evidence supports the finding
TEACH & TRAIN		
Inherent in all that IGs do		

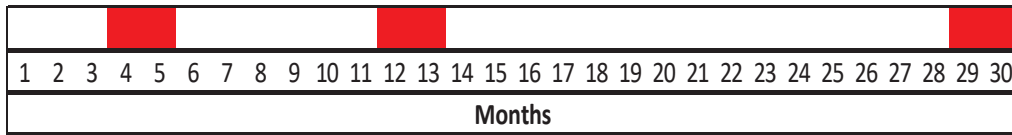


Areas of Increased Risk

Criminal & Policy Violations

Time in Position

*Last 2 Months



There is a significantly higher risk of an investigation during the months identified in **RED**

Top Three Issues in Oklahoma:

1. Not treating subordinates with dignity and respect.
2. Failure to act.
3. Counterproductive leadership.



State Inspector General - Oklahoma
**LET THE IG BE YOUR 411,
NOT A SOLDIERS' 911**

CONTACT INFO:

ng.ok.okarng.mesg.staff-ig@army.mil

(572) 247-5393 / 5269

TO KEEP UP WITH POLICY CHANGES VISIT:

<https://www.army.mil/tellyourformation/>

WHO CAN GO TO THE IG

Anyone: However, the IG should not be the first agency contacted with an issue involving a service member, civilian, or family member.

Service Members and Army or AF Civilians, should consider the chain of command as the first stop

Family Members: the IG recommends contacting the nearest National Guard Family Assistance Center first. A Family Assistance Specialist can guide the family member to the appropriate agency for assistance.

HOW TO REQUEST ASSISTANCE:

- Complete a **DA Form 1559** – Inspector General Action Request.
- Be prepared to discuss the timeline of the issue relating to your request for assistance
- The IG will ask you the following five questions:
 1. What exactly do you want/need the IG to do for you?
 2. Do you have supporting documentation?
 3. Have you requested assistance from any other source or agency?
 4. Have you given your chain of command an opportunity to address the problem?
 5. What is your status (M-Day, AGR, ADOS, Mil Tech, Civilian, Family Member)?

HOW TO CONTACT THE IG

JFHQ-Oklahoma National Guard IG Command IG

COL O'Brien (572) 247-5269

Investigations/Assistance

Mr. Wade (572) 247-5393

Inspections/Assistance

SFC McKinsey (572) 247-5395

Physical Address:

3501 Military Circle

Oklahoma City, OK 73111

Office email: ng.ok.okarng.mesg.staff-ig@army.mil

Website:

<https://ok.ng.mil/Resources/Inspector-General/>

National Guard Bureau IG

Website:

<https://www.nationalguard.mil/Leadership/Joint-Staff/Personal-Staff/Inspector-General/>

Department of the Army IG Office

COMM: (800) 752-9747; DSN: 865-1845

Website: <https://www.army.mil/ig>

Department of Defense IG Hotline

COMM: (800) 424-9098/(703) 604-8799;
DSN: 664-8799

Website:

<https://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/>

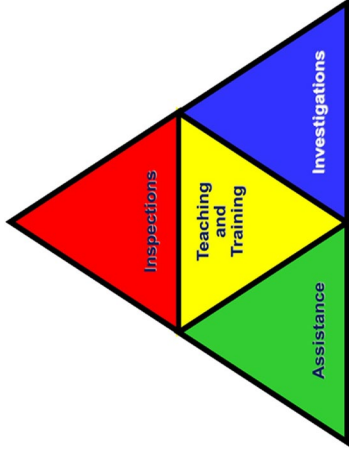


Oklahoma NATIONAL GUARD



WHAT DOES THE INSPECTOR GENERAL DO?

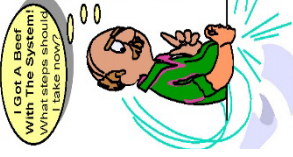
THE IG HAS FOUR FUNCTIONS



- IGs use inspections to resolve systemic issues, to evaluate the effectiveness of Army policies, determine the root causes of noncompliance, and recommend changes to policy proponents.
- IGs receive requests for assistance from Soldiers, Family members, DA civilians, retirees, and contract employees. The IG works to resolve issues and tracks issues to determine trends that may require inspection/investigation.
- IGs conduct investigations on violations of policy, regulation, or law; mismanagement; unethical behavior; fraud; or misconduct.
- IG teach and train supplements the other 3 IG functions It allows IGs to teach policy, procedures, systems, and processes to help improve operations, efficiency and command objectives.

BEFORE CONTACTING THE INSPECTOR GENERAL:

- Be sure you have a problem, not just a peeve.



- Give your chain of command a chance to solve the problem (Many problems are referred to the chain of command for resolution)

- If IG assistance is needed, contact your local IG first (IGs at higher or outside commands will normally refer the case back down to the local IG for action).

- Be honest and don't provide misleading information.

- IGs are not policy makers. (If a regulation or policy is flawed, submit your proposed changed on a DA form 2028 to the policy proponent.).

- IGs can only resolve a case based on facts.

- Don't expect instant action or satisfaction on your request for assistance...be patient. (Investigations take time, the IG focuses on getting the facts correct before moving forward toward a resolution)

- You may not get the answer you want but the IG will explain the reasoning based off published guidance

WHAT IS NORMALLY IG APPROPRIATE?

- Abuse of authority
- Favoritism
- Fraud, Waste, and Abuse
- Harassment (some types)
- Improper Mental Health Referrals
- Non-compliance with regulation/ policy
- Process violations
- Whistleblower Reprisal/Restriction

WHAT IS NOT NORMALLY IG APPROPRIATE?

- EO/MEO or EEO (EO Office)
- Criminal Matters (CID, MPI)
- UCMJ/MCMJ
- OERs and NCOERs Appeals (AR 623-3, Chapter 4)
- Hazardous Work Conditions
- Sexual Harassment/Assault (UVA, SARC)
- Draft Policy Review The IG will refer these issues to the appropriate Agency

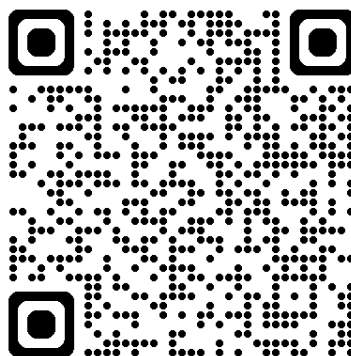


Officer Strength Management

The OSM Office is responsible for recruiting Basic Branch Officers, Specialty Branch Officers, and Warrant Officers for the entire Oklahoma Army National Guard. This booklet will serve as resource as you assist Soldiers in career planning and talent management.

Table of Contents:

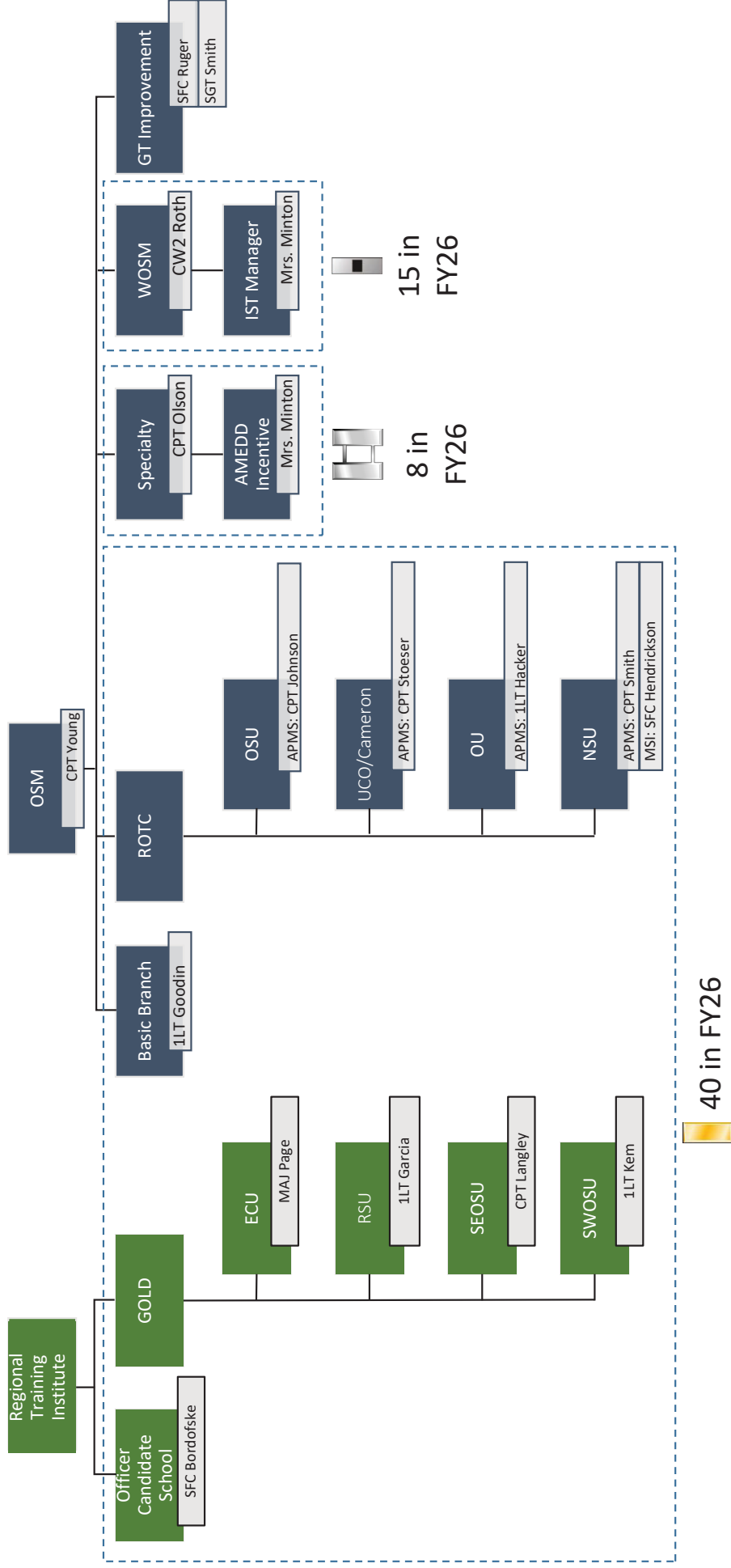
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More information about the opportunities in the state can be found on our website at: <https://goguardok.com/officer/>



Organization





Officer Vacancies

	O2	O3	O4	O5	O6	Officer Total	Warrant Officers	Grand Total
189TH RTI MSC		1				1	0	1
45TH FIELD ARTILLERY BRIGADE	5	12	3			20	3	23
90TH TROOP COMMAND MSC	5	14	5	1		25	9	34
CGTC MSC		1	2			3	2	5
JFHQ MSC OKARNG		14	13	6	2	35	9	44
OK RCTG & RET BDE		1	4			5	0	5
45TH INFANTRY BRIGADE								
COMBAT TEAM	23	19	3			45	10	55
Grand Total	33	62	30	7	2	134	33	167

Data as of 20260603



Basic Branch Officers

Commissioned Officers in all of the National Guard's career fields hold positions of tremendous authority. They are proven leaders, willing to accept challenges, make important decisions and take on great responsibility. As a basic branch officer, you'll choose a career in one of the following areas:

Combat Arms Branches

- **Infantry:** An infantry officer is responsible for leading and controlling the infantry and combined armed forces during land combat.
- **Armor:** Armor officers are responsible for cavalry and reconnaissance operations on the battlefield.
- **Field Artillery:** The Field Artillery Branch is responsible for neutralizing or suppressing the enemy by cannon, rocket and missile fire, and for overseeing the combined use of all fire support.
- **Air Defense Artillery:** Air defense artillery officers are experts in air defense tactics, techniques and procedures, and leaders in air defense operations.
- **Aviation:** Aviation officers are expert aviators first, overseeing aviation operations from maintenance to control tower operations to domestic and combat missions.
- **Corps of Engineers:** Engineer officers help the Army and the nation build structures, develop civil works programs and work with natural resources, as well as provide combat support.

Combat Support Branches

- **Signal Corps:** Signal Corps officers are experts in installing, operating and maintaining all aspects of the Guard's communication, data and information systems and services.
- **Military Police Corps:** Military Police (MP) officers oversee area security, law and order, police intelligence and maneuver support in peacetime and combat, plus internment and resettlement.
- **Military Intelligence Corps:** Military intelligence officers are always out front, providing essential intelligence and information about the enemy, terrain and weather conditions.
- **Chemical Corps:** Chemical officers are experts in nuclear, biological and radiological defense and warfare, and homeland protection. They also lead chemical units in combat support.

Combat Service Support Branches

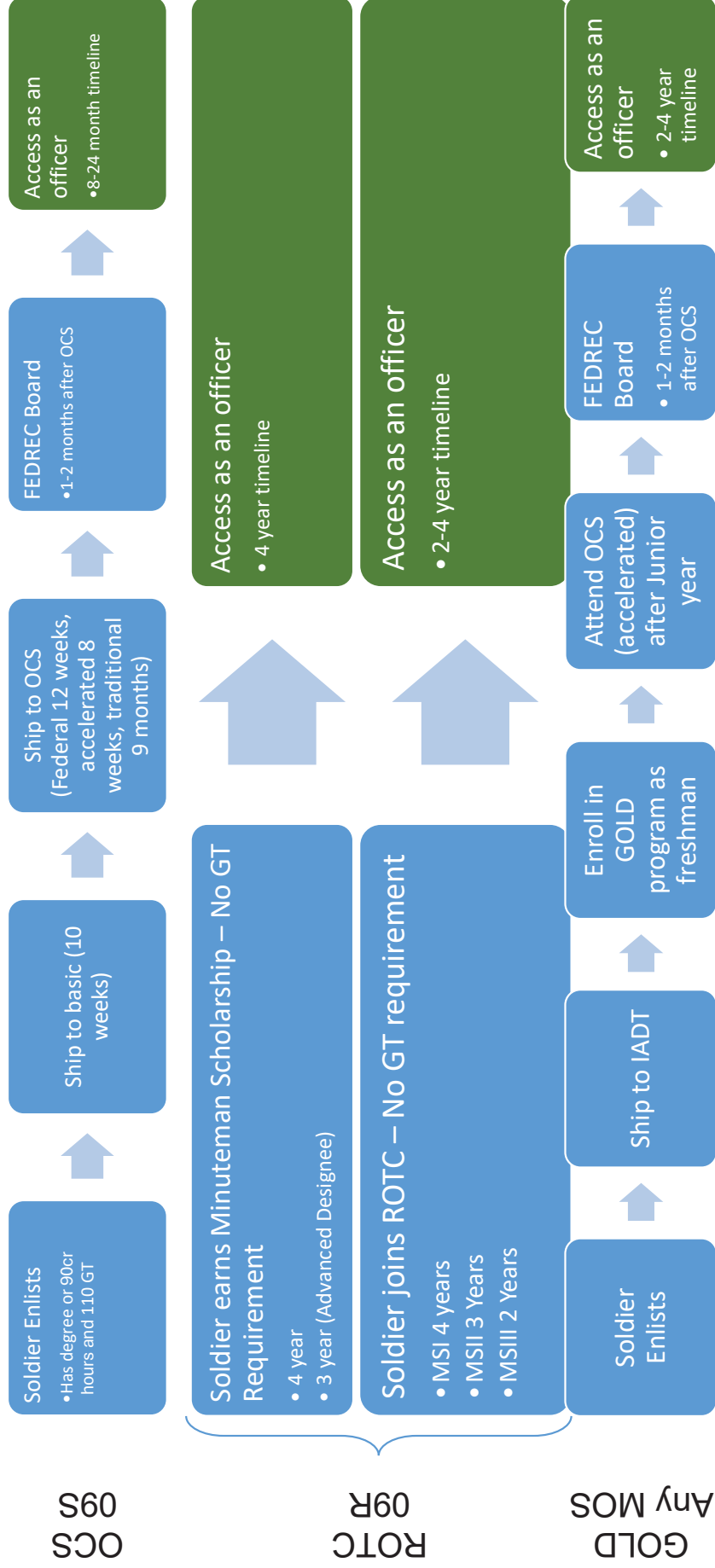
- **Adjutant General Corps:** An adjutant general officer is responsible for overseeing Soldiers' general welfare and well-being. Duties are similar to those of human resources executives.
- **Finance Corps:** The finance corps is responsible for all Guard financial matters—purchasing supplies and services, balancing budgets, and being sure Soldiers are paid for their service.
- **Transportation Corps:** Transportation officers specialize in vehicles and transport procedures, leading transportation operations and movement of troops and supplies during land combat.
- **Ordnance Corps:** Ordnance officers are responsible for ensuring that weapons systems, munitions, vehicles and equipment are ready and in perfect working order at all times.
- **Quartermaster Corps:** Quartermaster officers oversee availability and function of materials and systems from food, water and petroleum to parachute maintenance and general equipment repair.

FOR MORE INFORMATION CONTACT:

1LT Michael Goodin, 572-247-7741 Officer Recruiter



Basic Branch Routes to Accession



Deployable Officers
24 months to BOLC completion



Direct Commission

- **Consistently High Performing NCOs**
 - Must have 5 years of excellent NCOERs
- **Excels at PT**
- **Ready to be a Platoon Leader and pass BOLC now**
- **Requires Letter of Recommendation from:**
 - Company Commander
 - Battalion/Squadron/Battery Commander
 - Brigade Commander
- **Bachelor's Degree complete, has 110 GT Score**
 - Full application guidance posted annually on Guard website



Direct Appointment Requirements

MANDATORY REQUIREMENTS AT TIME OF APPLICATION:

1. Applicants should review Policy Memorandum (PM) 25-18 prior submission of application for direct appointment.
2. Must be current OKARNG Soldier in the rank of SGT or above.
3. Must have served a minimum of 24 months active (drill or mobilized) status in any federally recognized unit. Additionally, must have served at least 12 months in an active ARNG unit immediately preceding application for direct appointment.
4. Must be a United States Citizen.
5. Minimum age 22 years.
6. Maximum age 41 years 0 months as at the time of packet submission.
7. Must have **GT score of 110** or higher.
8. Must have a **Bachelor's Degree** or higher.
9. Must have completed Basic Leader Course (or equivalent) or higher.
10. Must have at least **five Non-Commissioned Officer Evaluation Reports (NCOERs)** documenting leadership and above average accomplishments.
11. Must possess a minimum FINAL SECRET security clearance prior to appointment.
12. Must be able to pass a Commissioning Physical in accordance with DoDI 6130.03.
13. Must have PULHES of 111111; **no permanent profiles/alternate Army Fitness Test (AFT) events.**
14. Must provide DTMS Individual Training Report (ITR) with AFT results within 90 days of packet submission.
15. Must be in compliance with AR 600-9; body fat percentage can be no greater than 2% under maximum allowable body fat percentage. Height/weight screening must be completed within 90 days of packet submission.
16. Must have NEVER enrolled in OCS in the past.
17. Must be able to complete the Basic Officer Leader Course (BOLC) within twelve months of appointment.
18. No Civil Conviction or Moral Waivers are authorized for any item listed in paragraph 12 of PM 25-
19. Any additional requests for waivers and/or exceptions to policy are considered on a case-by-case basis only.

Application Checklist (Refer to Current FYs Direct Appointment Announcement on OKARNG Page)

1. IPPS- A Soldier Talent Profile
2. Official College Transcripts from accredited college or university certifying completion of a baccalaureate degree or higher.
3. Letters of Recommendation (LOR) from CO, BN and BDE Commanders. LORs must reference requested branch selection.
4. DA Form 1059 for all levels of NCOES completed
5. All Non-Commissioned Officer Evaluation Reports (Minimum of 5 years required. NCOERs must be profiled and uploaded to iPERMS – no E4 Special NCOERs / no draft copies)
6. Security Clearance memorandum
7. All DD Form 214s and NGB Form 22s (forms must list separation reason & RE Codes)
8. NGB Form 23B (current within 90 days of packet submission)
9. Current Individual Medical Readiness (IMR) printout from MEDPROS (Green in all areas)
10. Army Fitness Test (AFT) AFT must be within 90 days of packet submission.
11. DA Form 5500/DA 5501 (if applicable) Must be current within 90 days of packet submission.
12. OCS Enrollment and Attendance History Statement
13. DD Form 2807-2
14. Civil Conviction Questionnaire

FOR MORE INFORMATION CONTACT:

1LT Michael Goodin, 572-247-7716 Officer Recruiter





OKLAHOMA NATIONAL GUARD
JOINT FORCE HEADQUARTERS
3501 MILITARY CIRCLE
OKLAHOMA CITY OK 73111-4305

POLICY MEMORANDUM
NUMBER 25-18

1 August 2025

DIRECT COMMISSIONING PROGRAM FOR BASIC BRANCH OFFICERS

1. REFERENCES:

a. National Guard Regulation (NGR) 600-100, Commissioned Officers – Federal Recognition and Related Personnel Actions, 22 November 2022, Chapter 2, Appointments.

b. Department of the Army Regulation (AR) 135-100, Appointment of Commissioned and Warrant Officers of the Army, 1 September 1994.

c. Title 10, United States Code, Section 3911 – Twenty Years or More: Regular or Reserve Commissioned Officers.

d. Department of the Army Field Manual (FM) 7-22, Holistic Health and Fitness, 8 October 2020.

e. Department of the Army Regulation (AR) 135-91, Service Obligations Methods of Fulfillment, Participation Requirements, and Enforcement Procedures, Chapter 2, 14 March 2016.

f. Department of the Army Pamphlet (DA PAM) 611-21, Military Occupational Classification and Structure, 20 December 2022.

g. Department of the Army Regulation (AR) 40-501, Standards of Medical Fitness, 27 June 2019, Chapter 2, Physical Standards for Enlistment, Appointment, and Induction.

h. Department of the Army Regulation (AR) 600-9, The Army Body Composition Program, 16 July 2019.

2. PURPOSE: This policy is to set the guidelines the State of Oklahoma will use to consider a request for a direct appointment into the commissioned officer basic branches and Army Medical Department (AMEDD) 70 series. Provisions of this policy do not apply to direct appointments for AMEDD providers, Chaplain, or Judge Advocate branches.

POLICY MEMORANDUM 25-18 (CONT'D)

3. The intent of the direct commissioning program is to offer an alternative commissioning source to qualified individuals. Direct commission is not intended to replace or adversely affect Officer Candidate School (OCS) or other commissioning programs. OCS will remain the primary commissioning source for the Oklahoma Army National Guard (OKARNG). Qualified personnel will not request a direct appointment; rather, they are nominated for consideration by their chain of command.

a. Soldiers whose record exhibits one or more of the following situations should pursue OCS rather than a direct appointment:

(1) Lack of documented leadership position (completion of Advanced Leaders Course or higher will substitute).

(2) Failure to meet Army Fitness Test (AFT) scores of at least 70 points in each event.

(3) Body fat standards that are less than two percent of the maximum allowable standard prescribed in AR 600-9.

(4) Non-Commissioned Officer Evaluation Reports (NCOER) or Academic Evaluation Reports (AER) that do not address leadership skills or provide written comments indicating above average accomplishments.

b. Soldiers meeting one or more of the following conditions are not authorized a direct appointment:

(1) Soldiers currently enrolled in OCS.

(2) Soldiers who were dis-enrolled, dropped, or resigned from OCS. This includes individuals who attended Pre-Phase 1 orientation drills but dropped prior to the official start of Phase 1. The Army Training Requirements and Resources System (ATTRS) is the system of record to validate previous OCS enrollment.

(3) Soldiers who drop from OCS with the intention of applying for a direct appointment.

(4) Soldiers meeting any of the conditions stated in NGR 600-100, paragraph 2-8 and 2-9 a, b, and d.

(5) Soldiers assigned to units that have received a Notice of Sourcing (NOS) for mobilization within the next 365 days.

POLICY MEMORANDUM 25-18 (CONT'D)

4. Minimum Requirements: Applicants are expected to have outstanding qualifications that exceed a majority of the minimum requirements stated below:

a. Minimum rank: Applicants must be in the rank of Sergeant or above to be considered for direct appointment.

b. Service Requirement: Applicants must have served a minimum of 24 months' active (drilling or mobilized) status in any federally recognized unit. Additionally, the individual must serve at least 12 months in an active Army National Guard unit immediately preceding the application for consideration for direct appointment.

c. Prior Training: Applicants must be a graduate of the Basic Leader Course (or equivalent) or higher.

d. Age: Minimum age is 22 years. Maximum age for appointment is 30. Chief, National Guard Bureau may waive age up to 41 years 364 days.

e. Citizenship: Applicants must be a United States Citizen.

f. Education: An original certified transcript must be included in the packet as proof of the applicant's completion of a baccalaureate degree from an accredited college or university. Transcript must be certified by the State Education Services Officer.

g. Test scores: Applicants must have an aptitude (GT) score of 110 or higher on the Armed Services Vocational Aptitude Battery (ASVAB).

h. OCS Enrollment and Attendance History Statement: Applicants will sign a certified statement validating former OCS enrollment or attendance. ATRRS will be used to verify previous OCS enrollment.

i. Medical:

(1) All applicants for direct commission will submit the Accessions Medical Prescreen Report (DD Form 2807-2) as part of their nomination packet. The form must be screened and approved by the State Surgeon or appointed medical representative prior to scheduling an appointment or flight physical. Applicants must pass an AR 40-501, Chapter 2 appointment physical or Chapter 4 flight physical (for aviators) prior to submission of the request for direct appointment to the National Guard Bureau Officer Policy Branch (NGB-HRH-O). The physical must be administered by a Military Entrance Processing Station (MEPS) or Active-Duty Medical Treatment Facility. Flight physicals must be approved by the United States Army Aviation Center of Excellence, Fort Rucker, AL.

POLICY MEMORANDUM 25-18 (CONT'D)

(2) Original DD 2807-1, DD 2808, and approved medical waiver(s) are required inclusions in the nomination packet submitted to National Guard Bureau Personnel Policy Readiness Division (NGB-HRH). Waivers for disqualifying medical conditions must be applied for and approved by the NGB Surgeon prior to submittal of the request for direct appointment.

j. Body Composition: Applicants must meet the body composition standards prescribed in AR 600-9, to include body fat limitations for enrollment and appointment. Commander certified height and weight statement must be dated within 90 days of application.

k. AFT: Applicants must have a passing six-event AFT in accordance with (IAW) FM 7-22. ACFT date must be on or after 1 June 2025. A certified DA Form 705 (April 2022 version) is required with application.

l. NCOERs: Applicants must have a minimum of five year's NCOERs. Evaluation reports must address leadership skills and above average achievements and accomplishments.

m. Security Status: Applicants must have a minimum of a final secret security clearance on file prior to appointment. The State Security Clearance Manager will validate security clearance in memorandum format dated within 90 days of application.

n. Vacancy Requirement: Applicants must have a valid position vacancy; excess is not authorized. The NGB Form 62E must indicate paragraph, line number, and branch for which the appointment is requested. The vacancy position and intended branch must be compatible. Assignments are based upon the needs of the state. At a minimum, Soldiers will be assigned outside of their current company and whenever possible outside of their current battalion.

o. Occupational Physical Assessment Test (OPAT): Applicants for direct commission into basic branches are required to take and pass the OPAT with a score in the Heavy (Black) category. Scores in the Significant (Gray) or Moderate (Gold) categories will not be accepted. A certified OPAT Scorecard must be dated within 90 days of application.

p. Branch Assignment: Branch assignments will be made based upon the needs of the state. Prior enlisted experience, civilian education, and Soldier professional goals will be considered. Soldiers requesting to appoint into aviation must have approval of the State Aviation Officer (SAO). Once approved by The Adjutant General (TAG), branch assignment changes will not be reconsidered.

POLICY MEMORANDUM 25-18 (CONT'D)

q. Mentor: In keeping with the Director, Army National Guard's policy on mentoring, each direct commission applicant will be assigned a mentor. Mentors must be Basic Officer Leader Course (BOLC) qualified and should be assigned outside the chain of command of the individual's new assignment. Mentor assignment will be annotated on a separate memorandum and will include the name, rank, unit of assignment, and military education level completed.

5. Recommendations: The applicant's current company, battalion, and brigade commanders must provide letters recommending the individual for a direct appointment. The letters must contain objective details outlining the traits, actions, skills, experiences, characteristics, training, and education that indicate the individual is qualified to receive a direct appointment in lieu of completing a commissioning source program.

6. Rank at Appointment: Enlisted Soldiers and warrant officers will not be direct appointed into basic branches above the rank of second lieutenant.

7. Attendance at BOLC: Non-Commissioned Officers and Warrant Officers accepting a direct appointment will not be granted constructive credit for BOLC. Individuals are required to attend BOLC within 12 months of appointment. Gaining unit of assignment will coordinate BOLC dates within two weeks of the FRB.

8. Commissioned Service Time: IAW reference 1e, Soldiers applying for initial appointment (through any commissioned source) are advised that they **must complete a minimum of 10 years commissioned service** in order to retire at the highest commissioned grade successfully held if they become members of the Active Guard Reserve (AGR) Program. Acknowledgement of this requirement will be stated in the remarks block of Section IV of the NGB Form 62E.

9. Service Obligation: Applicants accepting direct appointment will incur a contractual obligation equivalent to the remaining portion of their statutory obligation or six years, whichever is later. Acknowledgement of this requirement will be stated in the remarks block of Section IV of the NGB Form 62E.

10. AGR Soldiers: AGR Soldiers may apply for direct appointment; however, they must revert to traditional status in order to accept commission. These Soldiers are eligible to apply for any future AGR positions for which they are qualified.

11. Title 32 (T32) Technicians: T32 Technicians may apply for direct appointment through their military unit of assignment; however, if a commission results in grade inversion or Position Description (PD) incompatibility, a 30-day Notice of Separation will be issued and the technician will be separated from the full-time technician work force. Soldiers who are separated from their technician position are eligible to apply for future positions for which they are compatible and for which they are qualified.

POLICY MEMORANDUM 25-18 (CONT'D)

12. Unauthorized Waivers: Soldiers nominated for a direct appointment are not authorized waivers for any of the following:

- a. Moral or civil misconduct.
- b. Subversive or disloyal persons.
- c. Applicants against who proceedings have been initiated under AR 380-67, Personnel Security Program, and whose cases have not been concluded favorably.
- d. Applicants who refuse to completely answer any pertinent question in the course of an official investigation, interrogation, or examination conducted for the purpose of ascertaining the existence or extent or both, of conduct described in AR 380-67.
- e. Applicants who are presently serving a period of probation resulting from conviction by any type of military or civil court.
- f. Persons dropped from the rolls, released from active duty, or separated from any component of U.S. Armed Forces for any of the following reasons:
 - (1) Under other than honorable conditions.
 - (2) For unsatisfactory service.
 - (3) Resignation in lieu of court-martial, elimination for any form of corrective or disciplinary action, or for the good of the service.
 - (4) Reserve commissioned officer and warrant officers twice non-selected by a Reserve selection board convened by the Secretary concerned.
 - (5) As a security risk or other security reasons while undergoing a security investigation.
 - (6) Any individual regardless of prior U.S. military service component that was not retained through a qualitative management program to include Reserve Component Selection Boards.
- g. Commissioned officers, warrant officers, and enlisted Soldiers separated from any component of the Armed Forces by elimination procedure of a derogatory nature.
- h. Former Regular Army Officers who have been denied appointment in the U.S. Army Reserve IAW AR 135-100.

POLICY MEMORANDUM 25-18 (CONT'D)

i. Current or former conscientious objectors.

j. Applicants with a record of prior convictions; excluding minor traffic violations involving a fine or forfeiture of \$300 or less. Applicants will submit a Civil Conviction Questionnaire with their nomination packet. State Staff Judge Advocate will validate civil conviction history.

k. Applicants previously separated from any component of the Army for failure to complete any required military education or course within the time limit prescribed.

13. Authorized Waivers: All requests for authorized waivers and/or exceptions to policy, regardless of nature, are considered on a case-by-case basis only. Submittal does not constitute approval. Waivers may be provided on an individual basis and do not constitute precedence for all cases. TAG has the authority to deny a request prior to NGB consideration.

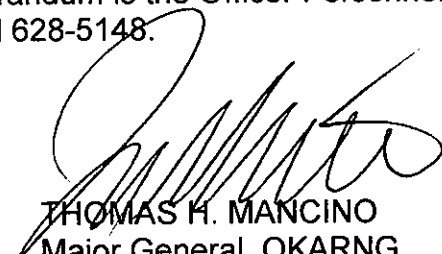
14. Approval Authority: Initial approval authority for all direct commissions is NGB-HRH. TAG has the authority to deny a request prior to NGB consideration. Approved direct appointment requests must be executed NLT 90 days of the date of NGB endorsement. Certificates of Eligibility are not authorized for individuals approved for direct commission. Approvals are valid only for the vacancy and branch listed on the NGB Form 62E. The FRB is the final authority for direct appointment.

15. Policy memorandum 23-09, 30 January 2023 is superseded.

16. Point of contact for this policy memorandum is the Officer Personnel Manager NGOK-MPD-OP, (572) 247-5148 or DSN 628-5148.

3 Encls

1. OCS Enrollment Statement
2. DD 2807-2
3. Civil Conviction Questionnaire



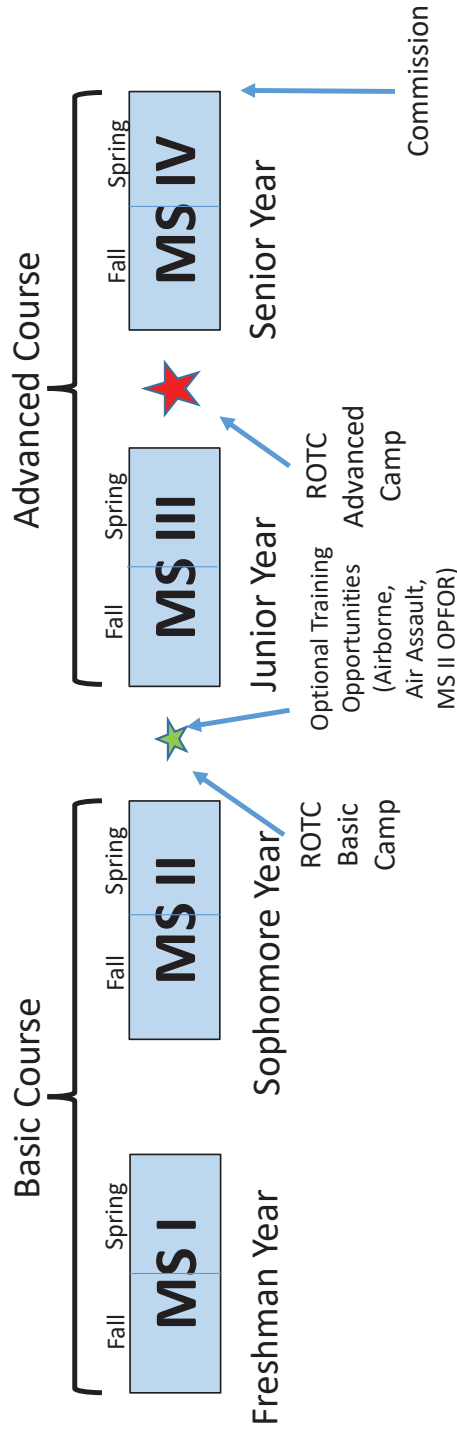
THOMAS H. MANCINO
Major General, OKARNG
The Adjutant General

DISTRIBUTION:

A

ROTC 09R

- Must meet contracting requirements prior to entering Advanced Course (HT/WT, AFT, Medical, Degree Plan)
- Soldiers do not need to take Basic Course if AIT complete





ROTC Programs in Oklahoma



CPT Leah Young

Officer Strength Manager

Leah.m.young14.mil@army.mil

Office: 572-247-7722

Cell: 918-223-1802

CONTACT US



goguardok.com

Officer Recruiter

Ng.ok.okarng.mesg.officer-recruiting@army.mil

recruiting@army.mil

Cell: 405-618-0124

Office: 572-247-7741

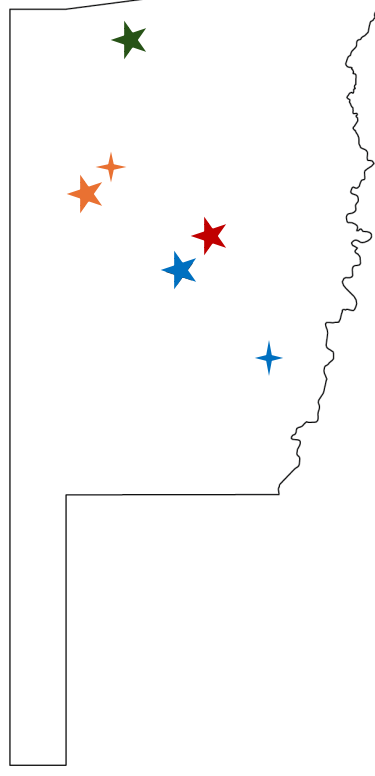
Office: 572-247-771

University of Oklahoma

Norman, OK



ou.edu



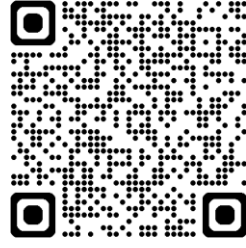
go.okstate.edu

Oklahoma State University

Stillwater, OK

Cameron University

Lawton, OK



cameron.edu



University of Central Oklahoma

Edmond, OK



uco.edu



Northeastern State University

Tahlequah, OK



nsuok.edu

ROTC CADET MENTORSHIP

Prepare Cadet for successful completion of Advanced Camp, typically occurs summer between junior and senior year.

Key Tasks: Rifle Marksmanship, Land Navigation, Warrior Skills, 12-mile Road March, Small Unit Tactics

Prepare contracted Cadet for future as a platoon leader. This is our opportunity to develop cadets into future leaders of our organization. Encourage mentoring officers to “train their replacements.”

Key Tasks: Shadow Officers, assist with OPORD and briefs, assist drafting CONOPs and DRAWs, assist planning and running ranges, assist with maintenance oversight, learn hand receipts/supply system, attend Commanders Calls, ROC Drills, planning conferences, learn T&EOs and supply requests

DO

Mentor Success
Check on Grades
Monitor Graduation Status
Assist in Career Planning
Keep administratively and medically ready

DO NOT

Assign as OIC for a firing range
Use them only as an extra E4
Write OER/NCOERs for them
Move them to another unit
Forget about them

AR 145-1 Section II Other Special Programs 13-5. Simultaneous Membership Program (SMP)

h. (1) Cadets are required to attend all unit training; however, when mandatory SROTC training conflicts with scheduled unit training, SROTC training has priority [for contracted cadets]. It is the cadet’s responsibility to coordinate the absence in advance and to reschedule any missed unit training with their RC unit commander. The PMS will provide training schedules to all RC units with assigned SMP cadets to minimize the likelihood of conflicts.

(2) SMP cadets will not be assigned duties that require them to act directly for the commander. For example, an SMP cadet should not be assigned as a duty officer, as a member of court-martial, as the officer in charge of a firing range, or in any capacity where they would be required to handle public monies or records pertaining to public monies or to any position that requires an officer’s certification.

(4) During training periods that require overnight billeting, cadets should be billeted with junior officers.

(5) SMP cadets will normally attend annual training with their RC units. Cadets will be excused from annual training, upon their request, during the calendar year they are required to attend advanced camp. However, **they are authorized to attend both advanced camp and annual training**, if they choose to do so (see AR 135–91).

j. SMP cadets are nondeployable and will not mobilize with their RC unit

Report flags, issues, or POSDATs to Officer Strength Management for assistance in reporting to Cadet Command. Refer to OKNG Policy Memorandum 26-35 ROTC SMP Cadet Management and Assignment.



Officer Candidate School



- Traditional OCS

9-month course

- *Phase 0 Feb-May
- Phase 1 June (two weeks)
- Phase 2 Aug-Feb
- Phase 3 March (two weeks)

- Accelerated OCS

8-week Resident Course (Phases 1 through 3)

- Alabama (January – March) – *Phase 0 Sep-Dec
- South Dakota (June – July) – *Phase 0 Feb-May

Federal OCS

- Fort Benning, GA
- 12-week Resident Course
- Must have bachelors degree
- Under 33 years of age

*Unit is responsible for enrolling Soldier into Phase 0 via ATRRS – School Code 1010 Course # 964-PRE-OCS



OCS 09S



Eligibility

- GT score of 110
- 90 credit hours minimum for Traditional & Accelerated OCS
- Commission prior to 42nd Birthday
 - NPS enlist prior to 35th birthday
- Be a US Citizen
- Have a secret security clearance or a clearance request submitted
- Pass physical, medical, and legal standards



Guard Officer Leadership Development GOLD



Eligibility

- Complete Basic Training and AIT
- Agree to enroll as a full-time student at:
 - East Central University (Ada, OK)
 - Rogers State University (Claremore, OK)
 - Southeastern Oklahoma State University (Durant, OK)
 - Southwestern Oklahoma State University (Weatherford, OK)
- Attain a 110 GT Score by the end of Sophomore year
- Be a US Citizen
- Commission prior to 42nd Birthday





GOLD Incentives

- Education Assistance Program (EAP)
- GI Bill
- Up to 100% competitive based dorm scholarships
 - SWOSU/ECU/RSU/SEOSU (50%)
- Books and fees scholarships (RSU)
- All other enlistment incentives available at the time of enlistment, to include bonus, GI Bill Kicker, and Student Loan Repayment Plan (SLRP)





Guard Officer Leader Development

CPT Leah Young

Officer Strength Manager

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CONTACT US



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Officer Recruiter

Ng.ok.okarng.mesg.officer-recruiting@army.mil

Cell: 405-618-0124

Office: 572-247-7741

Office: 572-247-7716



Southwestern Oklahoma

State University

Weatherford, OK



swosu.edu

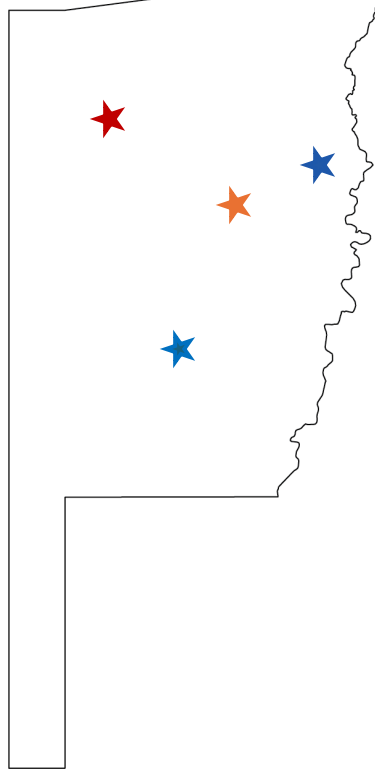


Rogers State University

Claremore, OK



rsu.edu



East Central University

Ada, OK



ecok.edu



Southeastern Oklahoma

State University

Durant, OK



se.edu



Specialty Branch Process



ARMY MEDICAL DEPARTMENT (AMEDD)

As a medical professional, you will ensure that Soldiers receive the best healthcare possible on and off the battlefield. As an Army Officer, you'll enjoy extra benefits, too. The Army National Guard can help new officers pursue their educational goals and desired careers by offering a variety of financial assistance to qualified recipients in return for their service.

AMEDD BENEFITS

- Low-cost medical and dental care for you and your family (TRICARE Reserve Select)
- Low-cost life insurance up to \$500,000
- Discounted and tax-free grocery and shopping privileges at post exchanges and commissaries
- Free and low-cost military air flights based on space availability
- Access to recreational facilities on military installations
- A retirement pension plan at the completion of 20 years of part-time service
- Accessions Bonuses and Retention Bonuses are available for qualifying individuals
- Health Professional Loan Repayment Program (HPLRP) is available for qualifying individuals

AMEDD REQUIREMENTS

- Meet the prescribed medical and moral standards for appointment as a commissioned officer
- Be a U.S. citizen
- Have completed an accredited qualifying degree program within the United States, US Territories or The District of Columbia
- Must be at least 21 years of age or older
- Be able to obtain a Secret security clearance

OFFICER PAY IN THE ARMY NATIONAL GUARD

- Drill Pay – 2 days of pay for every 1 day worked
 - Second Lieutenant (O1) (<2 years TIS) = \$533/weekend
 - Captain (O3) (>6 years TIS) = \$994/weekend
- Active Duty Pay – initial training, annual training and long-term training/orders, prorated by day
 - Second Lieutenant (O1) (<2 years TIS) = \$5,584/month
 - Captain (O3) (>6 years TIS) = \$9,595/month

Call or Text or Email to Learn More
Captain Lauren Olson 405-549-6422
lauren.n.olson2.mil@army.mil





Interservice Physician Assistant Program



Applications OCT-JAN
Annually

IPAP

- Highly Competitive Program
- 2.5 Year Program at Ft. Sam Houston, Texas and a Military Treatment Facility
- Active Duty Orders as E5(+)
- Earn Bachelors and Masters from University of Nebraska Medical Center
- Commission as 65D upon Graduation



www.goguardok.com/physician-assistant

Medical/Dental Students (00E)

Medical Service Corps



Medical and dental students can serve as a Healthcare Student Officer while attending medical or dental school. Healthcare Student Officers are placed in non-deployable positions and are eligible for financial assistance programs. The Army National Guard is a part-time force, typically serving one-weekend per month, and two-weeks each year, however our Healthcare Student Officers are offered flexibility in training to align with school/clinical requirements.

The Health Professions Stipend Program (HPSP)– Stipends offered are the Specialized Training Assistance Program and the Medical and Dental School Stipend program. Stipends can be taken for any number of months but must align with the program end date

Medical and Dental School Stipend Program (MDSSP)– is offered to students attending a US accredited medical or dental school. This stipend is good to aid in completion of programs and assist the student financially. The officer taking advantage of this stipend must understand that they incur a 1-year obligation for each 6-month period on MDSSP. This obligation must be met before receiving any other incentive.

- The current monthly stipend is \$3,113.00. Amounts are adjusted every July.

After completing Residency/Dental School, providers become eligible for:

Health Professions Loan Repayment Program (HPLRP)– Fully qualified individuals that aren't receiving AB or RB can elect to have their qualified student loans repaid directly to the lender.

- The current HPLRP Rates are up to \$40,000 per year with a lifetime maximum of \$250,000.

Training

Direct Commissioning Course (DCC) at Fort Sill in Lawton, Oklahoma

- This three-week course establishes the foundation of US Army values, attributes, and skills for newly commissioned officers assigned to the Medical, Dental, Medical Service, Army Nurse, or Medical Specialist Corps. Students receive a foundation in leadership, physical fitness, mental toughness, and tactical and technical proficiency skills required of US Army Officers.

Basic Officer Leadership Course (BOLC) located at Joint Base Fort Sam Houston in San Antonio, Texas

- This course is designed to instruct students on the basics of being an Army and Army Medical Department (AMEDD) officer, learning discipline, teamwork, basic Soldier skills, tactical medical doctrine, and learning the principles behind becoming a resilient, agile leader.
- A hybrid option is available medical/dental students consisting of an 80-hour distance learning course followed by a three-week resident course in San Antonio.

Promotion

Start as Second Lieutenant (O1), promote to Captain (O3) after medical/dental school.

Physician Assistants (65D)

Medical Specialist Corps



As a Physician Assistant in the Guard, you'll play a critical role in providing medical care to Soldiers, ensuring they are fit and ready for their duty. This role encompasses a wide range of responsibilities, from diagnosing illnesses and injuries to prescribing treatments and performing medical procedures. The Army National Guard is a part-time force, typically serving one-weekend per month, and two-weeks each year.

-Accession Bonus (AB) and Retention Bonus (RB)- Fully qualified individuals with certain specialty licensure are eligible to receive bonuses.

- Physician Assistant – The current AB or RB is \$25,000 per year for the length of the bonus contract.

-Health Professions Loan Repayment Program (HPLRP)- Fully qualified individuals that aren't receiving AB or RB can elect to have their qualified student loans repaid directly to the lender.

- The current HPLRP Rates are up to \$20,000 per year with a lifetime maximum of \$60,000.

Training

- Direct Commissioning Course (DCC) at Fort Sill in Lawton, Oklahoma
 - This three-week course establishes the foundation of US Army values, attributes, and skills for newly commissioned officers assigned to the Medical, Dental, Medical Service, Army Nurse, or Medical Specialist Corps. Students receive a foundation in leadership, physical fitness, mental toughness, and tactical and technical proficiency skills required of US Army Officers.
- Basic Officer Leadership Course (BOLC) located at Joint Base Fort Sam Houston in San Antonio, Texas
 - This course is designed to instruct students on the basics of being an Army and Army Medical Department (AMEDD) officer. It will assist the student in making their transition into the Army a smooth one. This course will provide the student with an increased understanding of the U.S. Army, its various missions and most importantly, how to contribute to the success of those missions. The students focus at the Medical Center of Excellence (MEDCoE) should be discipline, teamwork, basic Soldier skills, tactical medical doctrine, and learning the principles behind becoming a resilient, agile leader.
 - A hybrid option is available for physicians, dentist and other healthcare professionals consisting of an 80-hour distance learning course followed by a three-week resident course in San Antonio.

Call or Text or Email to Learn More
Captain Lauren Olson 405-549-6422
lauren.n.olson2.mil@army.mil

CHAPLAIN CANDIDATES (56X)



Train to become a chaplain while you earn your qualifying master's degree. Chaplain candidates are commissioned as second lieutenants and attend training part-time, one weekend per month and two weeks per year.

ELIGIBLE CANDIDATES FOR THIS PROGRAM

- Are U.S. citizens
- Are between 18 and 36 years old (age waivers may be considered)
- Possess a baccalaureate degree of at least 120 semester hours from an accredited college
- Accepted into an accredited seminary or graduate theological education program (of 72 hours or greater)
- Have obtained official ecclesiastical approval from their faith tradition or denomination
- Can obtain a security clearance
- Can pass a military physical exam

MISSION

The U.S. Army Chaplain Corps provides religious support and advises on matters of spirituality and religion to build strong, ready teams to deploy, fight, and win our Nation's wars as a unique and necessary branch of the Total Army that is fully engaged in Joint and multidomain operations in war and peace.



OUR CORE COMPETENCIES

- NURTURE THE LIVING
- CARE FOR THE WOUNDED
- HONOR THE FALLEN

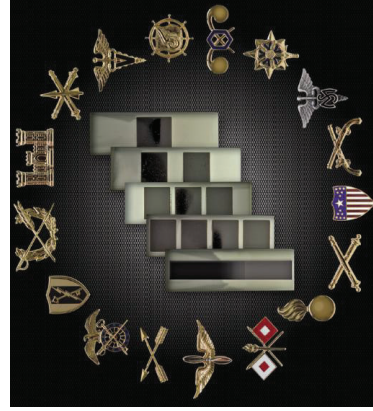
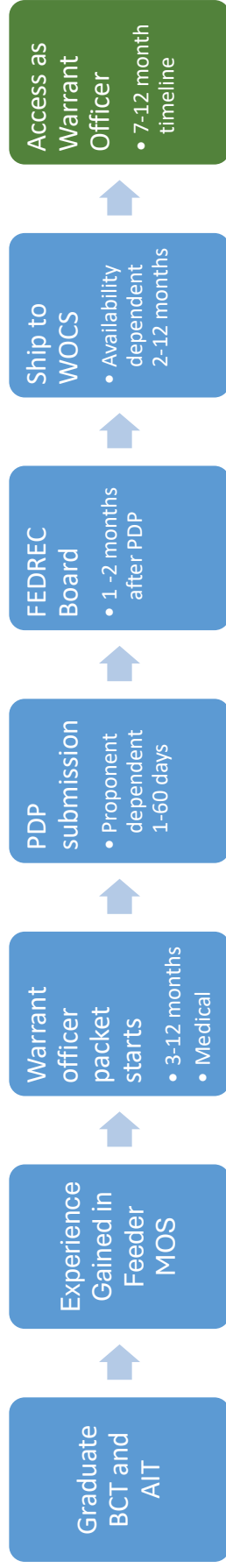
BENEFITS & INCENTIVES

Officer's pay and allowances
Low-cost health care coverage for the entire family
Excellent retirement plans
Up to \$500,000 in life insurance at low rates
Tax-free shopping at military exchanges and commissaries





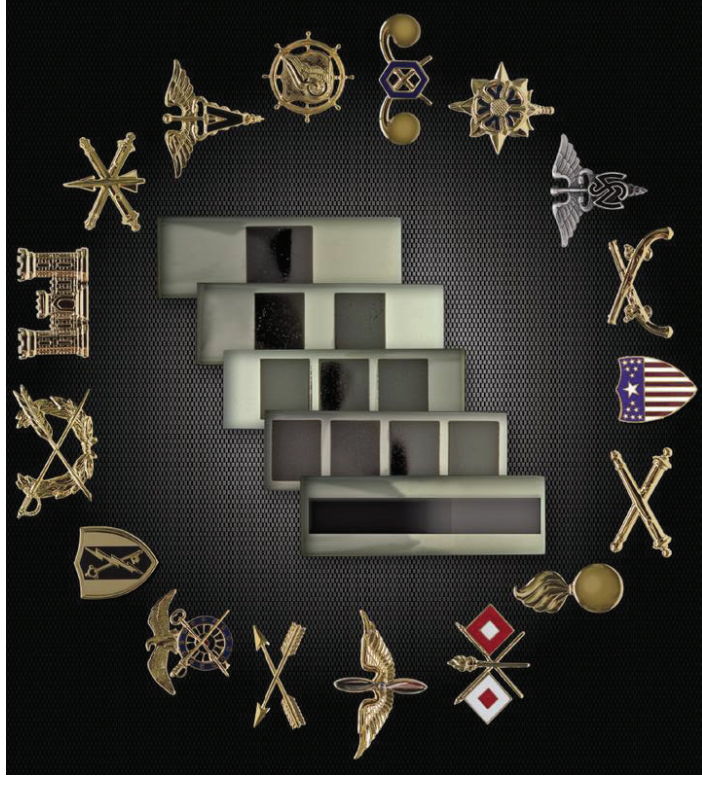
Warrant Process



Process for Warrant Officers



- Graduate AIT in a feeder MOS
- Earn experience in the feeder MOS (mil and/or civ)
- Meet Basic Officer Requirements
- Submit Warrant Officer Packet
 - Resume
 - Letters of Recommendation
 - Minimum GT 110
 - Maximum age 46 at appointment
 - Be a US citizen with SECRET or interim SECRET clearance
 - No permanent profile
- Federal Recognition Board (FRB or FED REC board)
- Complete WOCS within 24 months after FRB
- Complete WOBC within 24 months after pinning WO1
- Incur 6-year Service Obligation



WANT TO BECOME A WARRANT OFFICER?

Minimum Requirements

- 1. AGE:** For technical specialties, applicants must be between the ages of 18 and not more than 46 on the date of initial appointment. Applicants for Initial Entry Rotary Wing (IERW) positions must be at least 18-years of age, but not have reached their 33rd birthday at the convening of the Federal Recognition Board.
- 2. CITIZENSHIP:** Must be a U.S. citizen by birth or naturalization.
- 3. MENTAL APTITUDE:** Must score a 110 or higher on the GT aptitude test. For rated aviation specialties, applicants must take the Selection Instrument for Flight Training (SIFT); achieve aptitude test scores, a minimum score of 40 or higher, listed in AR 611-110.
- 4. EDUCATION:** Must have a minimum of a High School Diploma or equivalent. College education required for certain MOSs.
- 5. ENGLISH LANGUAGE COMPETENCY:** Must have a demonstrated understanding and proficiency in the English language. Applicants with a native language other than English must achieve a minimum score of 80 on the English Comprehensive Level Test (ECLT). Depending on the WO MOS, there may be a requirement of a minimum of 6 credit hours of college level English, or Tests of Adult Basic Education (TABE) test evaluation. This requirement will be found on the USAREC website https://recruiting.army.mil/ISO/AWOR/ARMY_FEEDER/.
- 6. SECURITY CLEARANCE:** An interim secret security clearance is required to apply for an MOS needing a secret clearance. A secret clearance is required to apply for an MOS needing a top-secret clearance. A final adjudicated clearance is required to be appointed as a Warrant Officer and attend Warrant Officer Basic Course.
- 7. STANDARDS OF MEDICAL FITNESS:** Must meet appointment physical standards in accordance with Chapter 2, AR40-501 and height and weight standards of AR 600-9. See DA Pamphlet 611-21 for additional physical requirements for individual MOSs.
- 8. APFT/HT/WT REQUIREMENTS:** Applicants must be able to pass a standard APFT. Only applicants with an approved DA, 3/5/7 Waiver, to perform an alternate event may report to WOCS.
- 9. CHARACTER:** An applicant must be of good moral character. Each applicant will undergo a background check for any civil convictions and moral misconduct.
- 10. PAY GRADE:** Normally the minimum grade required for most specialties is SGT (E5) or having attained the grade established by the Department of Army (DA) MOS proponents. Applicants below the grade of SGT must be administratively appointed to pay grade E5 by parent unit upon entering Warrant Officer Candidate School (WOCS) in accordance with NGR 600-101. Former Commissioned and Warrant Officers are eligible for appointment without attending WOCS but must complete the predetermination process to be approved for entry into a Warrant Officer MOS.
- 11. SPECIFIC MOS REQUIREMENTS:** Must meet specific MOS requirements posted on www.nationalguard.com/become-a-warrant-officer or https://recruiting.army.mil/ISO/AWOR/ARMY_FEEDER/. Former Commissioned or Warrant Officers may also be considered based on their prior service qualifications both as enlisted Soldiers and as Officers.

ACCEPT THE CHALLENGE

Oklahoma Warrant Officer Strength Manager

CW3 Mallory Roth

572-247-7702 mallory.e.roth.mil@army.mil

<https://goguardok.com/go-warrant/>



WO MOS	Warrant Officer Title	Enlisted Feeder MOS
120A	Construction Engineering Technician	12H, K, N, P, Q, R, T, W
125D	Geospatial Engineering Technician	12Y, 35F, 35G
131A	Field Artillery Technician	13B, 13J, 13F, 13M, 13R, 11C, 11B, or 19D
140A	Command and Control Systems Integrator	14E, 14G, 14H, 14P, 14S, 14T, 15P (ADAM Cell Exp.), 15Q, 25B, 25U and 29E; USAF: (AFSC: 1C3XX, 1C3XX); USN (Rating: IT, YN and CTM); USMC (Job code: 06XX)
150A	Air Traffic Control Technician	15Q, USAF 1C1xx, USMC 7257, or USN A400 (AC) (MOS Prerequisite Waiver Required for ALL sister service)
150U	Tactical Unmanned Aerial Systems (TUAS) Operations Technician	15W, 15E - USMC MOS 7314/6214; USAF AFSC 1U0X1; USN NEC 8361-4, 6-8 (MOS Prerequisite Waiver Required for ALL sister service)
151A	Aviation Maintenance Technician	15B, D, F, G, H, K, N, R, S, T, U, X, Y
153A	Rotary Wing Aviator	All MOSs
170B	Electronic Warfare Technician	Preferred 17E MOS (35S, 18E, 19D and 25 Series MOS May Apply)
255A	Information Services Technician	All MOSs (Must have 4 years IT experience IAW prerequisites)
255N	Network Management Technician	All MOSs (Must have 4 years IT experience IAW prerequisites)
270A	Legal Administrator	27D (All other enlisted MOSs - including Sister Services -- may apply with approved waiver).
350F	All Source Intelligence Technician	35F
351M	Human Intelligence Collection Technician	35M, (USMC 0211 for USAR/ANG ONLY)
352N	SIGINT Analysis Technician	35N, 35P
353T	Military Intelligence Systems Maintenance/Integration Technician	35T
420A	Human Resources Technician	42A
420C	Bandmaster	All CMF 02 MOS's (ALLCMF42R and 42S)
882A	Mobility Officer	88N, 88M, 88H(Preferred) Open to ALL enlisted MOSs (Must meet defined prerequisites)
890A	Ammunition Warrant Officer	89A, 89B, 89D
913A	Armament Systems Maintenance Warrant Officer	91A, M, 91F
914A	Allied Trades Warrant Officer	91E, X
915A	Automotive Maintenance Warrant Officer	91A, B, H, M, P, S, X,
919A	Engineer Equipment Maintenance Warrant Officer	91B, C, D, L, H, X, 91J
920A	Property Accounting Technician	92Y
920B	Supply Systems Technician	92A, 68J
922A	Food Service Technician	92G, 68M
948B	Electronic Systems Maintenance Warrant Officer	94D, E, F, H, M, R, W, Y & Z (25S/with waiver only)
948D	Electronic Missile Systems Maintenance Warrant Officer	94A, M, P, S, T, X, & Z



TRICARE Reserve Select

- “Network” means a provider in the TRICARE network. “Non-network” means a TRICARE-authorized provider not in the TRICARE network.
- Cost-shares are percentages of the TRICARE maximum-allowable charge after the annual deductible is met.
- <https://tricare.mil/>

Cost Type	TRICARE Reserve Select
Premium (monthly)	Member only: \$57.88 Member and family: \$286.66
Deductible (annual)	E-5 & above: \$198 per individual \$397 per family Note: Prescription costs also apply to your annual deductible.
Catastrophic cap (annual)	\$1,324 per family
Clinical preventive services	\$0
Outpatient visit — primary care	Network: \$19 Non-network: 20%
Outpatient visit — specialty care	Network: \$33 Non-network: 20%
Urgent care	Network: \$26 Non-network: 20%
Emergency visit	Network: \$52 Non-network: 20%
Laboratory & X-ray	Network: \$0 Non-network: 25%
Ambulatory surgery	Network: \$33 Non-network: 20%

Ambulance	Outpatient (Ground) : Network: \$19; Non-network: 20% Outpatient (Air) : 20% (network or non-network) Inpatient : 25%
Mental health — inpatient care	Network: \$79 per admission Non-network: 20%
Mental health (outpatient/partial hospitalization) — specialty care	Network: \$33 Non-network: 20%
Mental health — residential treatment facility	Network: \$33 per day Non-network: \$66 per day
Durable medical equipment	Network: 10% Non-network: 20%
Home health care	Network: \$0
Hospice care	Network: \$0 (Medical equipment and pharmacy are billed separately.)
Hospitalization (inpatient care)	Network: \$79 per admission Non-network: 20%
Maternity — hospital delivery	Network: \$79 per admission Non-network: 20%
Maternity — birthing center delivery	Network: \$33 per admission Non-network: 20%
Maternity — delivery at home (primary care)	Network: \$19 Non-network: 20%
Maternity — delivery at home (specialty care)	Network: \$33 Non-network: 20%
Newborn care	Network: \$0 Non-network: 20%
Inpatient skilled nursing facility/rehab facility	Network: \$33 per day Non-network: \$66 per day



Officer Strength Management

Recruiting and Retention Battalion Headquarters
6500 North Kelley Ave., Oklahoma City, OK 73111
OSM Main Line: 572-247-7716

CPT Leah M. Young

Officer Strength Manager

leah.m.young14.mil@army.mil

Office: 572-247-7722

Cell: 918-223-1802

-OIC for all officer recruiting

CPT Lauren N. Olson

Specialty Branch Recruiter

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Office: 572-247-7707

Cell: 405-549-6422

-Officer recruiting for Chaplains, Medical Officers, and Lawyers

1LT Michael S. Goodin

Basic Branch Recruiter

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Office: 572-247-7741

Cell: 405-618-0124

-Officer recruiting for Officer Candidate School and basic branch officer, GOLD program liaison

CW2 Mallory E. Roth

Warrant Officer Strength Manager

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Office: 572-247-7702

Cell: 405-312-2624

-Warrant officer recruiting, GT improvement course OIC, aviation recruiting liaison

Mrs. Elizabeth A. Minton

AMEDD HR Tech / IST/ISR Coordinator

Elizabeth.a.minton8.civ@army.mil

Office: 572-247-7711

-Technician: medical officer incentives, recruit all current officers transferring from other states, active duty and reserves



Reserve Officer Training Corps (ROTC)

CPT Travis D. Stoeser

University of Central Oklahoma (UCO) & Cameron

Recruiting Operations Officer

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-Primary recruiting officer and OKARNG Liaison to UCO and Cameron ROTC

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-OKARNG Liaison to OSU ROTC and Military Science Instructor

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Assistant Professor of Military Science

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-Primary recruiting officer, OKARNG Liaison and Military Science Instructor to NSU ROTC

1LT Joseph M. Hacker

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Cell: 918-530-8337

-OKARNG Liaison to OU ROTC and Military Science Instructor



Directorate of Military Support (DOMS)



Agenda

- Mission Statement
- Common Missions
- Major Domestic Capabilities
- Future National Guard Counter UAS Center of Excellence
- Best Practices for Company Leaders
- DOMS Contact Information
- Questions & Discussion



J3-DOMS Mission Statement

The J3, Directorate of Military Support, provides planning, coordination, and shared situational awareness to assist joint/interagency mission partners conducting Domestic Operations, Counterdrug, and Civil Support Team response providing quality and timely support to civilian authorities, law enforcement agencies at the local, state, tribal and federal level, and to the residents of Oklahoma.



Common Missions



- **Support the Incident Command System (ICS)**
- **Search and Rescue (air and ground)**
- Assist in population evacuations
- Provide and/or construct temporary shelters
- **Distribute food, water and clothing (humanitarian aid)**
- **Communications support**
- Incident planning support
- **Military support civilian law enforcement agencies**
- **Counter-drug operations (air and ground)**
- **Mitigate damage from natural or man-made disasters or terrorist incidents to include:**
 - **Floods, Tornadoes, Earthquakes**
 - **Hurricanes**
 - **Winter Storms**
 - **Wildfires**
 - **CBRN Events**



Major Domestic Capabilities

NGRF

8 Hours (25%) / 12 Hours 50% / 24 Hours (100%).

Missions: The Oklahoma National Guard Reaction Force is trained, equipped, and prepared to deploy 500 Soldiers within the State of Oklahoma and throughout the United States in support of federal or state domestic civil disturbance response.

Capabilities: Trained to NGB Level I and II civil disturbance requirements. Receives annual training from OHP on less lethal capabilities and civil disturbance training.

Current Units: 90th Troop Command / 45th IBCT.

TY27 Units: 90th TC / 45th IBCT / OKANG.

Wildland Firefighting

Fire Fighting Seasons: (FEB-MAR) / (JUL-OCT)

Qualification Levels:

- Firefighter Type 2 or FFT2 (Crew member) (YR1).
- Firefighter Type 1 or FFT1 (Squad Leader) (YR 2/3).
- Crew Boss and Crew Boss Trainee (YR 3/4).
- Faller 3 (Sawyer) Faller 2 (Lead Sawyer).

Assignments:

- Mop-Up, Sawyer work and Containment.
- Handline Construction.
- Structural Protection.

CST

90 Minute Response Time (All AGR Personnel)

Mission: Support civil authorities by Identifying unknown hazards, Assessing current and projected consequences, Advising on response measures, and Assisting with requests for additional support.

Capabilities: Command and control, operations, communications, decontamination, medical operations, survey (Chemical, Biological, Radiological, Nuclear and High Yield Explosive) detection, identification and assessment.

Counter Drug

Mission: Support the detection, interdiction, disruption, and curtailment of drug trafficking activities and use through the application of military-unique skills and resources in concert with interagency efforts to reduce the threat posed by drug-related Transnational Criminal Organizations (TCO) to the State of Oklahoma and the United States of America.

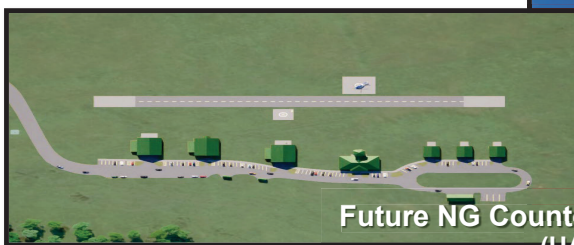
Capabilities: Linguist, case analysis, ground/aerial reconnaissance, observation, law enforcement training, transportation support and drug demand reduction outreach.

All ADOS Personnel.



NG Counter UAS Center of Excellence Camp Gruber

- UAS operator training.
- Drone fabrication lab.
- Training site for government, civilian, and military emergency response coordination exercises.
- Radar and closed 5G/LTE network range.
- Research facility for private industry innovation.
- Lanes training sites – Urban, Trench, Wildland.
- UAS / Rotary / Fixed Wing Air/Ground systems integration.
- UAS launch and recovery platform.
- Collaborative curriculum development.



Future NG Counter UAS Center of Excellence @ Camp Gruber
(UAS / LE Range Complex Concept Drawings)



Best Practices for Company Leaders

- ☐ We are **never in charge** when reporting to a civil support mission.
We report and follow guidance from Incident Commander.
- ☐ Personnel Readiness.
 - ☐ Exercise your 100% contact roster twice annually.
 - ☐ **Know who your short recall Soldiers are (NGRF / WLFF) and the requirements.**
- ☐ Equipment Readiness (Vehicles, Generators, Radios, etc.).
- ☐ Maintain weather awareness, include weather monitoring into your daily battle rhythm.
- ☐ Understand the State Active Duty (SAD) process, pay & allowances, workers compensation.
- ☐ Understand Serious Incident Reporting Procedures and requirements, this applies to our force 24/7.
- ☐ Understand State & Federal Statuses.

National Guard role in the full spectrum of state and federal missions



DOMS Contact Information

Joint Operations Center (JOC) (JFHQ)		
572-247-5061	ng.ok.okarng.mesg.joc@army.mil	
JOC NCOIC		
SFC Dusty Capshaw	dusty.d.capshew.mil@army.mil	
Director of Military Support (JFHQ)		
LTC Barrett Alexander	405-534-8159	franklin.b.alexander.mil@army.mil
Deputy DOMS (JFHQ) / Launched Effects		
LTC Michael Horn	405-642-6078	michael.a.horn12.mil@army.mil
JTF Commander (JFHQ)		
LTC Barrett Alexander	405-534-8159	franklin.b.alexander.mil@army.mil
J5 Domestic Ops Planner (JFHQ)		
Mr. Adam Headrick	572-247-5951	adam.b.headrick.civ@army.mil
Wildland Fire Program Manager		
Mr. Brian Weatherford	405-626-4284	brian.c.weatherford.nfg@army.mil

Company Commander Civil Support Quick Guide

Core Principle

The National Guard supports civil authorities and does not take command. All actions are conducted under the direction of the Incident Commander within the Incident Command System (ICS).

Personnel Readiness

- Exercise your 100% contact roster twice per year.
- Know your short-recall Soldiers (NGRF, WLFF) and their requirements.
- Maintain up-to-date Soldier readiness (medical, training, duty status).

Equipment Readiness

- Ensure vehicles, generators, radios, and mission-essential gear are fully mission capable.
- Validate load plans, staging plans, and fuel/recovery support.
- Prepare for decentralized, prolonged operations.

Weather Awareness

- Incorporate weather monitoring into your daily rhythm.
- Understand impacts on movement, safety, and mission timelines.

Status & Authorities

- Understand State Active Duty (SAD) pay, allowances, and workers' compensation.
- Know the difference between State and Federal status and related authorities.
- Reinforce Posse Comitatus restrictions and Rules for the Use of Force (RUF).

Serious Incident Reporting (SIR)

- Know what incidents must be reported 24/7.
- Ensure all leaders understand reporting procedures and timelines.
- Emphasize accuracy, safety, and accountability.

Mission Command & Interagency Coordination

- Ensure all leaders understand ICS and Unified Command.
- Establish clear liaison with civil authorities (EM, Fire, Law Enforcement).

- Be prepared to operate in JTF or Dual-Status Command structures.

Training & Preparedness

- Conduct DSCA-focused rehearsals and mobilization drills.
- Maintain mission-specific certifications (CERFP, HRF, wildfire, etc.).
- Validate alert procedures, timelines, and muster locations.

Communications & Interoperability

- Confirm interoperability or bridging for civilian communications systems.
- Maintain a PACE (Primary, Alternate, Contingency, Emergency) plan.
- Standardize reporting formats (SITREP, SALUTE, status updates).

Force Protection & Soldier Welfare

- Plan for hazards: debris, flooding, fire zones, contaminants, extreme weather.
- Enforce PPE and continuous risk management.
- Protect rest cycles, hydration, feeding plans, and mental wellness.

Public Interaction & Professionalism

- Reinforce professionalism during high-visibility missions.
- Coordinate media interactions through Public Affairs.
- Enforce guidance on device use, photography, and social media.

Documentation & Accountability

- Track personnel, equipment, mission hours, and completed actions.
- Maintain logs for relief-in-place and reimbursement requirements.
- Capture lessons learned for follow-on improvement.

Mobilization & Deployment Planning

- Rehearse recall, staging, and convoy operations.
- Validate routes, movement timelines, and linkup procedures.
- Ensure leaders can rapidly brief mission, risks, and expectations.



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



Questions & Discussion



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



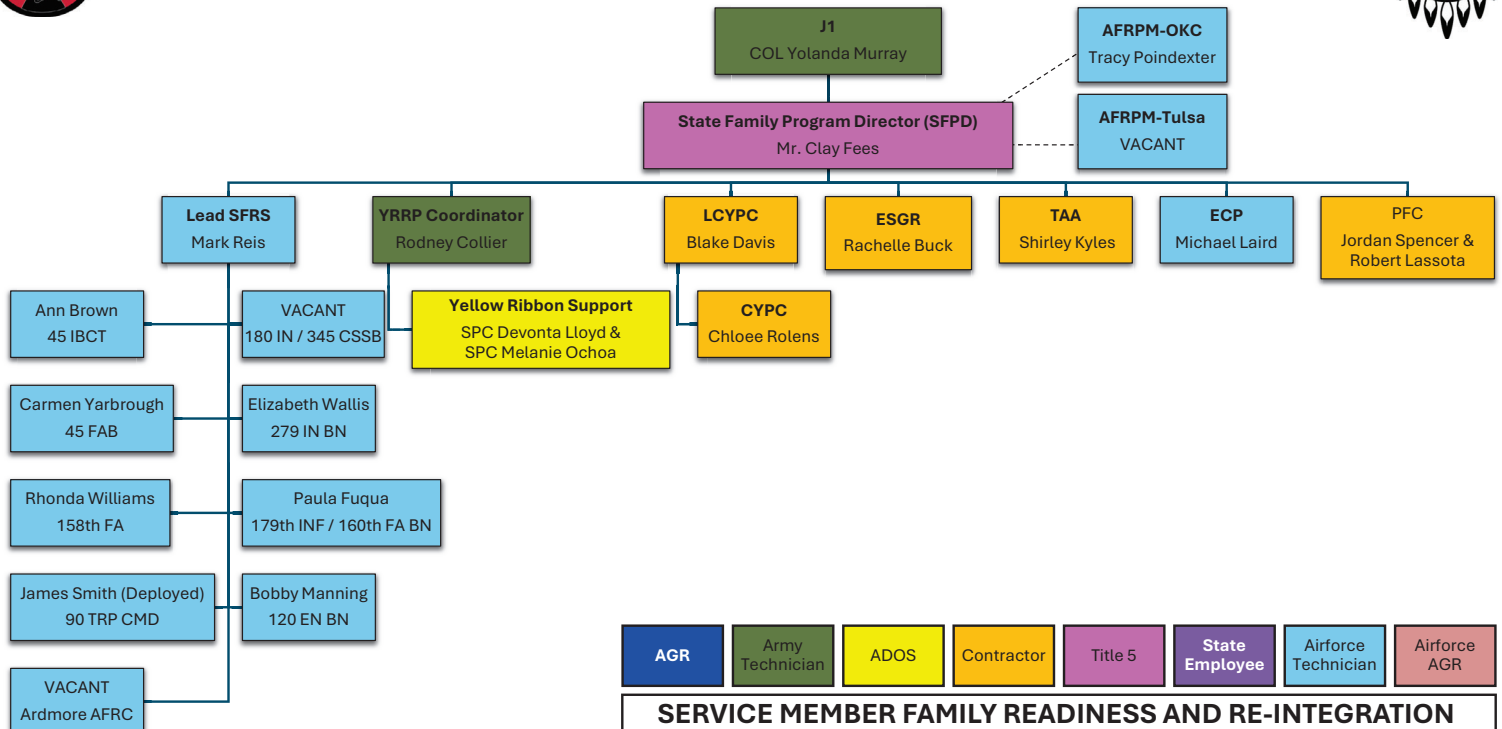


Oklahoma National Guard Family Programs



Mission Statement

The mission of the Family Program office is to establish and facilitate ongoing communication, involvement, support, and recognition between National Guard families, the National Guard and the community in a partnership that promotes the best in all.



State Family Program Director



MR. CLAY FEES
572-247-5599
jason.c.fees2.civ@army.mil



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



Military and Family Readiness Specialist (MFRS)



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



Lead Military and Family Readiness Specialist



*Mark Reis
Family Program Office
OKNG Wellness Center
572-247-5389
405-213-7884
mark.h.reis.nfg@army.mil*



Military and Family Readiness Specialists (MFRS)

 <i>James Smith</i> 572-247-5950; 405-642-3918 james.h.smith512.nfg@army.mil 90 th Troop Command	 <i>Elizabeth Wallis</i> 572-247-6429; 918-706-8928 elizabeth.s.wallis.nfg@army.mil Sand Springs AFRC	 <i>Ann (Arlenia) Brown</i> 572-247-7045; 405-496-5256 arlenia.a.brown.nfg@army.mil Norman AFRC
 <i>Carmen Yarbrough</i> 572-247-5778; 405-312-7174 <i>Mustang AFRC</i>		 <i>Bobby Manning</i> 572-247-6632; 405-343-1658 bobby.h.manningjr.nfg@army.mil Broken Arrow AFRC
 <i>Paula Fuqua</i> 572-247-5848; 405-343-3718 paula.d.fuqua.nfg@army.mil Edmond Armory	 <i>Vacant</i> 572-247-7972; 918-916-7510 <i>McAlester AFRC</i>	 <i>Rhonda Williams</i> 572-247-7917; 580-235-3575 rhonda.l.williams20.nfg@army.mil Ft. Sill/Lawton AFRC

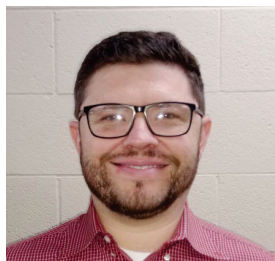
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Oklahoma National Guard Child and Youth Program

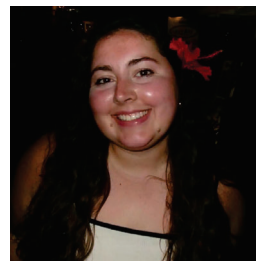


Child & Youth Program



BLAKE DAVIS

Lead Child & Youth
Program Coordinator
Oklahoma City, JFHQ
572.247.5539 / 405.658.5560
Charles.b.davis192.ctr@army.mil



CHLOEE ROLENS

Deputy Child & Youth Coordinator
Oklahoma City, JFHQ
572.247.5058
.ctr@army.mil



Additional Programs Under the Family Programs Office



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



Yellow Ribbon Re-Integration Program



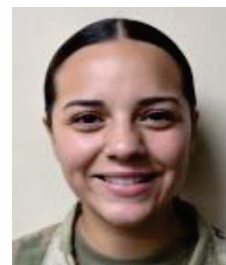
RODNEY COLLIER

YR Manager & Special Projects Officer
572-247-5355 / 405-248-8209
rodney.l.collier4.mil@army.mil



SGT Kevonte Lloyd

Yellow Ribbon Support Staff
572-247-5512
Kevonte.d.Lloyd.mil@army.mil



SPC Melanie Ochoa

Yellow Ribbon Support Staff
572-247-5512
melanie.g.ochoa.mil@army.mil



2026 OKARNG COMPANY COMMANDER & FIRST SERGEANT PRE-COMMAND CONFERENCE



Personal Financial Counselor (PFC)



JORDAN SPENCER

405-323-8162
pfc.okcity@magallanfederal.com
OKNG Wellness Center



ROBERT LASSOTA

918-210-6639
pfc.tulsa@magallanfederal.com
Broken Arrow AFRC



Employment Coordination Program



H. Michael Laird
JFHQ Family Program Office
572-247-1996
405-414-6045
howard.m.laird.nfg@army.mil

The Employment Coordination Program increases career opportunities for Oklahoma Guardsmen and their families by developing proactive - positive relationships with Oklahoma employers and connecting our Service Members with partner employers in order to obtain rewarding careers and optimal retention.



ESGR



Rachelle Buck
Family Program Office
OKNG Wellness Center
Office: 572-247-5206
Cell: 405-664-8831
rachelle.r.buck.ctr@army.mil
ESGR.mil

A Department of Defense program that develops and promotes supportive work environments for Service members in the Reserve Components through outreach, recognition, and educational opportunities that increase awareness of applicable laws.



Transition Assistant Advisor



Shirley Kyles
Family Program Office
OKNG Wellness Center
572-247-5038

skyles.ctr@gapsi.com

The Transition Assistance Advisor plays a critical role in the development and implementation of all retirement services operations providing individual and group consults on benefits, resources, programs, and services to Guardsmen who are pre-retirement, in the retirement process, or have already retired from the Oklahoma National Guard. Hundreds of Guard members were individually assisted and thousands received information from a variety of sources to include electronic mailings and social media.



***A copy of these slides may be requested from:
jason.c.fees2.civ@army.mil***



J-2



J2 Intelligence Programs | Home | Personnel Security | Foreign Travel | Official Passports | Communications Security | Threat Awareness and Reporting Program | Resources | J2 Calendar | Edit navigation

+ New | Page details | Preview | Analytics

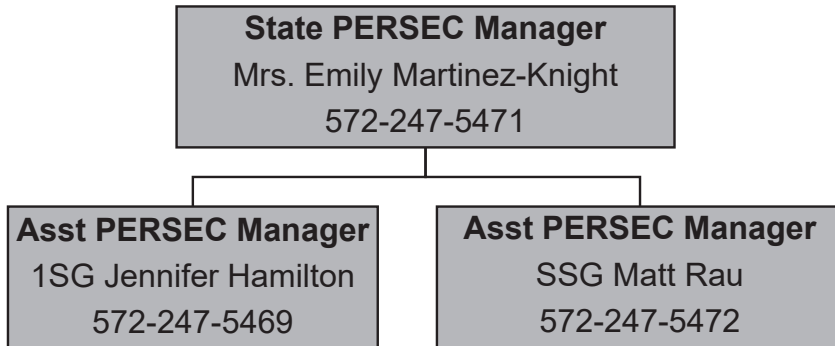
Published on 5/19/2026 | Share | Edit

 Personnel Security Click Here	 Foreign Travel Click Here	 Official Passports Click Here	 State Department Travel Map
 AT/FP Click Here	 Communications Security (DACAP Enrollment, Courier Cards) Click Here	 Threat Awareness and Reporting Program (Training and Reporting) Click Here	 Electronic Foreign Clearance Guide
 Sensitive Compartmented Information Click Here	 Intelligence Oversight Click Here	 J2 Resources Links and Forms	 Smart Traveler Enrollment Program
 Military Intelligence Click Here	 Foreign Disclosure		 Official List of Embassies/Consulates
			 CDC Traveler's Health Advisories
			 JKO Anti-Terrorism Training



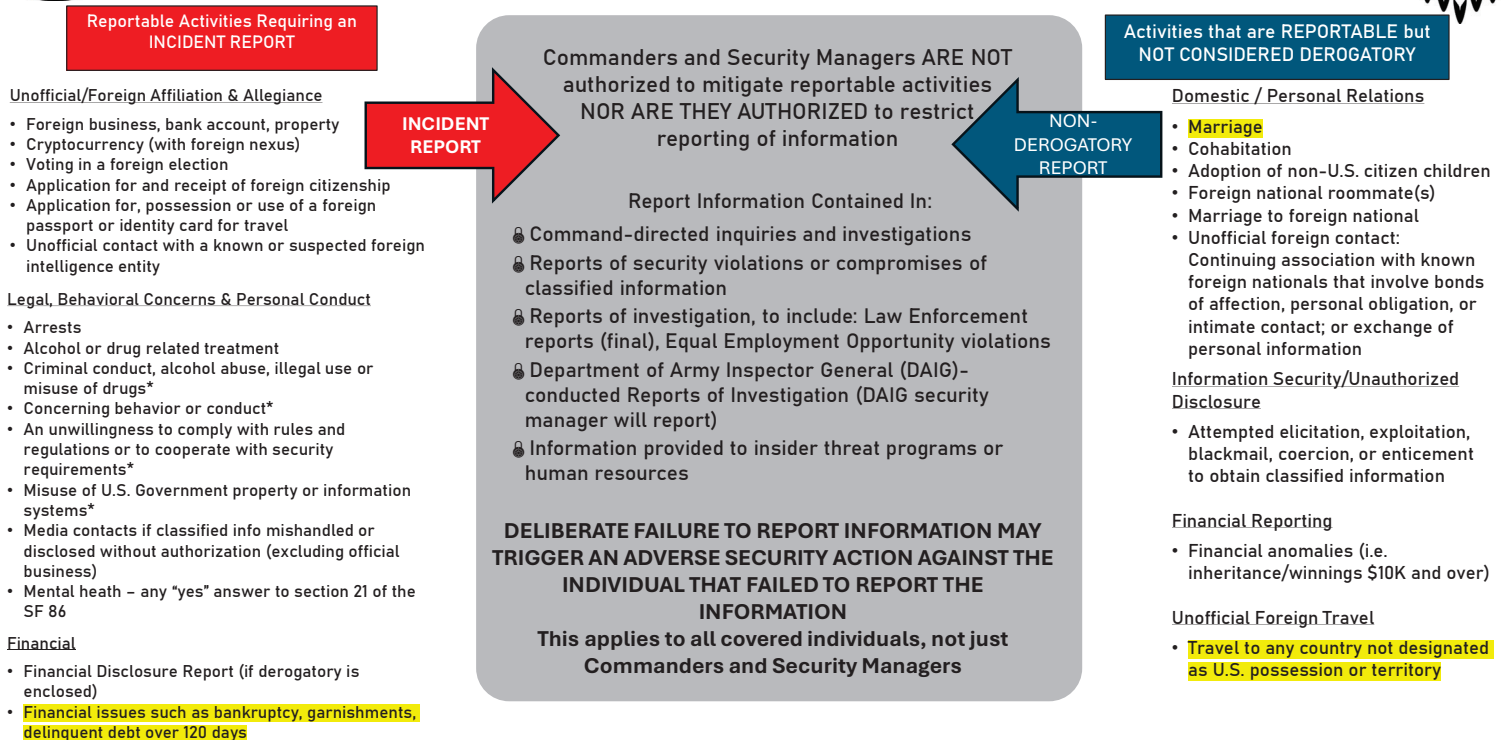
Personnel Security (PERSEC)

- Security clearances affect multiple aspects of a Soldier's career—schools, deployments, re-enlistment eligibility... (TAG Priority #1 and #2)
- SEAD 3 reporting requirements must be adhered to. If a Soldier self-reports an incident **DO NOT** try to resolve the issue at your level.



Go through your BN/MSC Security Manager before contacting state office.

Ensure that proper reporting procedures are followed!





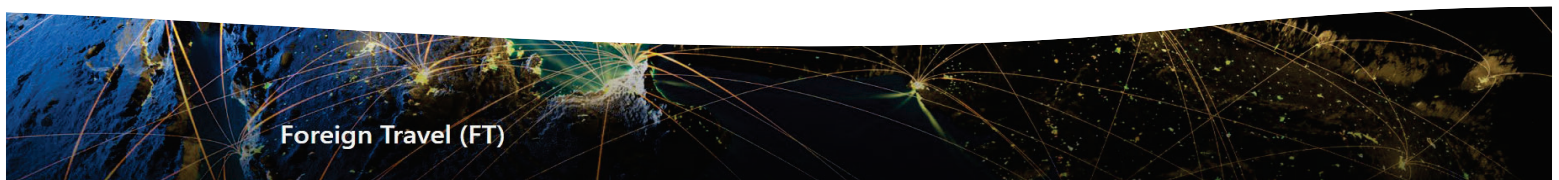
Unofficial Foreign Travel (Personal)

- Report, Report, Report! Anti-Terrorism Program Manager: Mr. Dean Wyatt; larry.d.wyatt.nfg@army.mil
- Commanders do not hold approval/denial authority for M-day Soldier's travel. You have a "need to know" and a responsibility to ensure that reporting procedures are followed in a timely fashion.
- Resources and instructions are found on the J2 SharePoint site.



Unofficial Foreign Travel (Personal)

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HOW-TO GUIDE FOR FOREIGN TRAVEL REPORTING

Soldier Responsibilities:

1. Notify unit of all un-official foreign country travel no less than **45 days in advance**.
2. Download, fill out, sign, and submit **Personal Foreign Travel Report (pre-travel)** prior to departure (**blank copy below**).
3. Enroll in State Department STEP Program.
4. Complete Anti-Terrorism Level 1 Training and submit with Personal Foreign Travel Report.

Foreign Travel Tracker

Report FT
FT Teams



Intelligence Oversight

- Unmanned Aerial Systems (Drones)
- Proper Use Memorandum (PUM) / Domestic Imagery Legal Review (DILR)
- Allow time to process initial paperwork and any amendments (at least 30-45 day)
- Documentation and Resources can be found on the J2 SharePoint site.

State IO Monitor
CW3 Robert Turner
572-247-5266



Threat Awareness & Reporting Program (TARP)

- Annual TARP briefs are coordinated through the J2 Office. Must be given by a qualified 35L (Counterintelligence Agent).
- Internet Crime Complaint Center (ic3.gov): FBI central hub for reporting cyber related crime. For example, you receive a phone call saying there's a warrant for your arrest unless you pay money.
- 1-800-CALL-SPY. See Something, Say Something
- Suspicious Drone:
 1. Call the local police department
 2. Report up the Chain-of-Command
 3. DO NOT engage drones
 4. If a drone lands on your facility, throw a blanket on it and call the police

If you become aware of any illegal activity (vandalism, threats to facilities or personnel) contact the Provost Marshal, LTC Beaty at john.w.beaty.mil@army.mil



Department of the Army Cryptographic Access Program (DACAP)

- Courier cards are required for anyone handling COMSEC (typically a filled SKL)
- Please keep submissions to only essential personnel (e.g. RTO and Alternate)

HOW-TO Guide: Request DACAP Enrollment and Courier/COMSEC Cards

ONE SOLDIER PER ENTRY

ONLY FIVE (5) SOLDIERS PER UIC WILL BE ENROLLED IN DACAP/ISSUED A COURIER CARD. THIS INCLUDES UNIT AGR STAFF. EXCEPTIONS CAN BE MADE ON A CASE-BY-CASE BASIS WITH PROPER WRITTEN JUSTIFICATION SIGNED BY THE FIRST O-5 IN THE CHAIN OF COMMAND.

Required documents for DACAP Enrollment Request:

1. Courier/COMSEC Card Request Memo
2. Admin Data Required Spreadsheet
3. Digitally signed SD Form 572 (COMSEC Only)
4. Signed Indoctrination Brief (COMSEC Only)
5. Read and Submit signed OKARNG Courier Acknowledgement Form

Required documents to **RENEW** Courier/COMSEC Cards:

1. Courier Card Request Memo
2. Admin Data Required Spreadsheet
3. Previous courier card(s) must be turned in prior to issuance of a new card(s)

Quick Links



DACAP - Courier Cards

Name	
Admin Data Required EXAMPLE.xlsx	
AR 380-40.pdf	
ARNG DACAP Policy 2017.pdf	
Courier COMSEC Card Request Memo.docx	
DACAP INDOCTRINATION BRIEFING.pdf	
Example Security Clearance Verification Memo.docx	



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Courier COMSEC Card Request Memo.docx	
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Example Security Clearance Verification Memo.docx	



Public Affairs



Agenda

- Purpose of PA
- Media and Social Media
- Training and Event Coverage Planning
- Community Relations
- Media Request for PAO
- OPSEC



Purpose of Public Affairs

DoW POLICY

- “Information shall be made fully and readily available...” (OPSEC exceptions apply)
- “A free flow of general and military information shall be made available, without censorship or propaganda, to the men and women of the Armed Forces and their dependents.”
- “Information will not be classified or otherwise withheld to protect the Government from criticism or embarrassment.”
- “The Department of Defense’s obligation to provide the public with information on major DoW programs may require detailed PA planning and coordination within DoD and with other government agencies. This ensures timely, accurate information reaches the public; propaganda has no place in DoW public affairs programs.”

STAFF PUBLIC AFFAIRS

- Personal Staff - Serves as a personal advisor to the commander
- Advises on the information environment and how information affects friendly and adversary operations, missions, and objectives
- Acts as “truth tellers” (steady-state and crisis communications)
- Identifies and counters misinformation and disinformation
- Understands and addresses competing narratives
- Manages branding and organizational messaging
- Helps civilians understand what the organization does
- Coordinates media access and engagement



Social Media

NEGATIVE POSTS

- Do not engage
- Posts cannot be removed from official gov pages once published – FOIA, censorship
- Think, think, think, post. Consider the possible effects of everything you post (local, state, national media climate)

PERSONAL PAGES

- Non-duty status, not in uniform, not implying endorsement of DoW/DA/OKNG
- Subject to DoW/DA/OKNG policy if you in a duty status, pictured in uniform, otherwise implying DoW/DA/OKNG endorsement



Social Media

PERSONAL USE GUIDELINES

Personal accounts must be clearly identifiable as personal.	Avoid use of DoD titles, insignia, uniforms or symbols in a way that could imply DoW sanction or endorsement of content on your personal page.	Avoid misrepresenting yourself as an official DoD spokesperson on your personal account.	As members of the US Army and OKNG profession you and family are expected to live the Army Values, online and offline.	Soldiers and their Families are personally responsible for all content they publish on social networking sites, blogs and other websites.
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Social Media

THINK, TYPE, POST

OKNG is a values-based organization where you are expected to treat everyone with dignity and respect, as outlined in AR 600-20. The U.S. Army defines online conduct as the use of electronic communications in an official or personal capacity in a manner that is consistent with Army values and standards of conduct.	When Soldiers are logged on to a social media platform, they still represent the U.S. Army and the OKNG. Soldiers using social media must always abide by the UCMJ/OUCMJ, even when off duty.	Commenting, posting and linking to material that violates the UCMJ/OUCMJ or basic rules of Soldier conduct are prohibited, along with talking negatively about supervisors or releasing sensitive information.	IAW AR 600-20, para. 4-19a(5), "Online Misconduct": Some examples include but are not limited to: hazing, bullying, harassment, discriminatory harassment, stalking, retaliation or any other types of misconduct that undermines dignity and respect.
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Social Media | Political Activity

Soldiers who are **on duty or in uniform** are prohibited from:

- Soliciting political contributions or donations
- Sharing or liking posts that endorse a political candidate or party
- Using official titles or positions when engaging in partisan political activity
- Engaging in any political activity while in uniform
- Communicating contemptuous words against elected or appointed officials in the state or territory where the Soldier is located or performing duty

Soldiers who are **off duty and not in uniform** are permitted to:

- “Follow,” “friend,” or “like” a political party or candidate for partisan office
- Express personal views on public issues or political candidates on social media, similar to writing a letter to the editor in a private capacity



Social Media

- Distinguish official accounts from personal accounts.
- DoW (including Guardsmen) personnel should not present themselves as DoW spokesmen or appear to speak on behalf of the DoW, DA, OKNG, on their personal social media presence.
- OKNG personnel are prohibited from using their official position to:
 - Endorse a non-federal entity, product, service or enterprise
 - Take any action that implies DoW, DA, NGB, OKNG endorsement through the unauthorized use of one's official position or public office
- Avoid use of DoW titles, insignia, uniforms or symbols in a way that could imply DoD sanction or endorsement of the content.
- A disclaimer in the bio of a personal account or in the caption or first comment of each relevant post is recommended if the personal account content includes DoW titles, insignia, uniforms, or symbols.

“THE VIEWS AND OPINIONS PRESENTED HEREIN ARE THOSE OF THE AUTHOR AND DO NOT NECESSARILY REPRESENT THE VIEWS OF DOD OR THE ARMY. APPEARANCE OF, OR REFERENCE TO, ANY COMMERCIAL PRODUCTS OR SERVICES DOES NOT CONSTITUTE DOW OR ARMY ENDORSEMENT OF THOSE PRODUCTS OR SERVICES. THE APPEARANCE OF EXTERNAL HYPERLINKS DOES NOT CONSTITUTE DOW OR ARMY ENDORSEMENT OF THE LINKED WEBSITES, OR THE INFORMATION, PRODUCTS OR SERVICES THEREIN.”



DoW Guidance & Policy – Social media accounts

Per Army Directive 2026-17 (Optimizing Digital Media)

ARMY ORGANIZATIONS AUTHORIZED TO MAINTAIN OFFICIAL SOCIAL MEDIA ACCOUNTS

U.S. Army National Guard

@NationalGuard	one account per state	one account each for Washington DC, Puerto Rico, Guam, and the U.S. Virgin Islands
----------------	-----------------------	--

- Only authorized at state level
 - No units accounts are authorized
- *RRB adheres to specific RRB policy and guidance



Media

Media coverage reaches far wider audience than social media

- We want them to tell **OUR** story in **OUR** words
- You, your Soldiers, uniformed Guardsmen, know their jobs and experiences – don't let someone outside fill in the gaps with guesses

Welcome media access – know the limits (OPSEC, PII, etc.)

Report media contact to CoC or directly to PAO

You and your Soldiers ARE the OKNG story

Media training available



Training & Event Coverage Planning

REQUEST CONTENT

- Training/events supporting BN/BDE/OKNG priorities
- LFX, FTX, STX, NET/NEF, specific MOS skills
- Training highlighting survivability, lethality, leader development, etc.

UNIT GENERATED CONTENT

- Anyone can submit
- Submit to okngpao@gmail.com



Community Relations

DoW program governed by multiple regulations, policies, and DOWIs

DoW program with multiple regulations, policies, DoWI, etc.

Parades, ceremonies, events, speaking engagement, static displays, band, color guard, etc.

MUST HAVE SIGNED/APPROVED 2536 for personnel or static display to participate in community event

- Point requestors to OK.NG.mil (or google Oklahoma national guard)

ENCOURAGED!

DO NOT make any promises (guidelines can change)

POC – Richard Beam 572-247-5212



Request for PAO

MSC's do not currently have qualified PAOs – Our office will coordinate cover for your units.

Newsworthy (Soldier highlights such as LT Stell, SGT Book police in Lawton, training event, NET/NEF, etc., must support TAG/OKARNG priorities)

Changes of Command: Specialty/high visibility units, OR BDE and above change of command

Unit generated content is gold, please encourage.



OPSEC

- **All published content** related to OKNG missions, training, or events (photo, video, print, etc.) **requires an OPSEC** review by a qualified PAO prior to release (DoD policy).
- **“Release”** includes any media or imagery **shared outside the organization**.
- **Photos or video taken during exercises, training, or events must be cleared for publishing by PAO/BDE command.**
- Additional review may be required when other commands or units are involved (e.g., ODT, XCTC, JRTC, NTC, Northern Strike).
- Leaders must ensure their Soldiers understand the implications of releasing information within their operational environment.



OKNG Public Affairs Sites

PLATFORM	ADDRESS
PUBLIC SITE	https://ok.ng.mil
FACEBOOK	https://www.facebook.com/oklahomanationalguard
X	https://X.com/OKGuard
FLICKR	https://www.flickr.com/photos/oklanationalguard/sets/
DVIDS	http://www.dvidshub.net/



Full-Time Staff

POC	PHONE	E-MAIL
MAIN LINE	572-247-5212	OKNGpao@army.mil OKNGpao@gmail.com
LTC Kristin Tschetter	405-401-4666 (c) 572-247-5164 (o)	kristin.l.tschetter.mil@army.mil
Mrs. Leanna Maschino	572-247-5369	leanna.r.maschino.civ@army.mil
Mr. Anthony Jones	572-247-5158	anthony.w.jones.civ@army.mil
Mr. Richard Beam	572-247-5217	richard.n.beam.nfg@army.mil
MAJ Kayla Christopher	572-247-5054	kayla.l.christopher.mil@army.mil



PUBLIC AFFAIRS

QUESTIONS?

CONTACT INFO:

OKNGpao@army.mil | OKNGpao@gmail.com

(572) 247-5212





Company CDR/1SG Course

Mr. Calvin Grade
State Safety and Occupational
Health Manager, OKARNG



AR 385-10

- **1–9. Army Safety and Occupational Health Management System (ASOHMS)**
- The Army Safety and Occupational Health Management System (ASOHMS) serves **as the framework to guide the Army National Guard (ARNG) SOH management systems.**
- The ASOHMS is six core interrelated/interacting SOH management capability objectives and corresponding elements performing as one coherent system to synchronize, coordinate, collaborate, and improve how SOH is implemented into Army operations. The **six core capability objectives** and corresponding elements for the ASOHMS are:
 - a. Leadership engagement and personnel/Soldier participation (program management).
 - b. Mishap, incident, and illness reporting and investigation.
 - c. Training and promotion.
 - d. Inspections/assessments.
 - e. Hazard analysis and countermeasures.
 - f. Health protection and readiness.



Command Responsibility

- **AR 385-10 Para 1-8**
 - The Safety and Occupational Health (SOH) program is a commander's responsibility at every echelon
- **Command Responsibility**
 - The philosophy that commanders down the entire chain of command are responsible for the safety of their personnel
- **DA Pam 385-10 Para 4-2 (c)**
 - The supervisor has the responsibility of ensuring the workplace is free of known hazards and personnel are following procedures
 - Workers have a responsibility to report unsafe or unhealthy working conditions that they may uncover in their day-to-day activities



Commanders Will ...

- **AR 385-10 Para 2-24**
 - Integrate OSHA and national consensus standards into military policy, standards, tasks, techniques, and procedures, as appropriate
 - Commanders/directors are required to complete the Leader's Safety and Occupational Health Course (LSC). The LSC is offered through ATRRS via web-based DL at <https://www.atrrs.army.mil> (CAC required)
 - Provide written guidance and ensure personnel are trained in applicable SOH functional areas listed in table 1 – 1
- **Ensure personnel have adequate personal protective equipment (PPE) for their operations**
- **AR 385-10 Para 1-8**
 - Designate unit safety officers (USOs) at organizations below brigade/garrison to company level unless a full-time safety officer is assigned. USO will—
 - 1) Be appointed by the commander on written orders.
 - 2) Have met or will meet the requirements of 29 CFR 1960.58.
 - 3) Have met or will meet the training requirements of paragraph 5 – 5.
 - 4) Have a year or more retainability in the unit upon duty appointment.
 - 5) Report directly to their unit commander on safety-related matters.

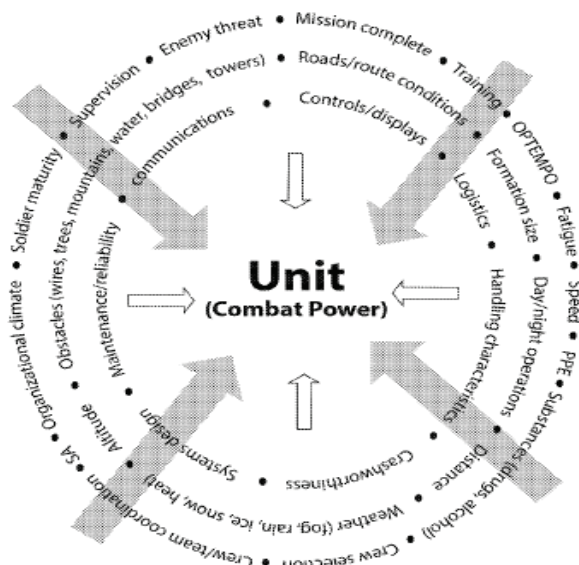


Risk Management DA Pam 385-30

The **four** principles of risk management are—

- Integrate risk management into all phases of missions and operations.
- Make risk decisions at the appropriate level.
- Accept no unnecessary risk.
- Apply risk management cyclically and continuously

Army leadership and management at every level need to exercise risk management. As shown in figure 1–1, due to the holistic nature of risk management, the process requires multidisciplinary participation using a range of diverse tools to provide the commander with the knowledge to make informed risk decisions about all the identified hazards and their risk. Losses caused by accidents are a major threat to combat readiness. Practitioners use risk management to identify, evaluate, and manage risks to missions, personnel, equipment, facilities, and the environment during peacetime, contingency operations, and wartime due to safety and occupational health and other risk factors.



Legend for Figure 1–1:
SA — situational awareness
PPE — personal protective equipment
OPTEMPO — operating tempo

Figure 1–1. Holistic approach of risk management



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Table 4–1.

Risk acceptance authority for safety standards deviation

Risk acceptance matrix^{2, 3, 4, 5}

Duration of risk				
	Event waiver	Waiver		Exemption
Category of risk	1 month or less	1 month to 1 year	1 year to 5 years	Permanent or greater than 5 years
Extremely high risk	General officer (GO)	Army Headquarters Commanding General (CG)	Army Headquarters CG	Army Headquarters CG
High risk	Brigade commanding officer (CO) or responsible O–6	GO	GO	GO
Medium risk	Battalion CO ¹ or responsible O–5	Brigade CO ¹ or responsible O–6	GO ¹	GO ¹
Low risk	Company CO or responsible O–3	Battalion CO ¹ or responsible O–5	Brigade CO ¹ or responsible O–6	Brigade CO ¹ or responsible O–6



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4–5. Deviation documentation and risk acceptance

a. **When intentionally deviating from written safety standards**, documentation will include specifics regarding the initial and residual levels of risk associated with the deviation, the policy and/or standard (that is, the publication and paragraph numbers) from which the operation will deviate, the control measures selected, and the required level of risk acceptance per table 4–1. Safety offices need to track and review all approved deviations for trends. Deviations (waivers, exemptions, and secretarial certifications) involving AE or chemical agents must be documented using DA Form 7632. DA Form 7632 may also be used to document safety deviations other than those involving AE and chemical agents.

b. Addressing a general risk, that is, **a situation involving management of a risk that does not involve a standard, is referred to as risk acceptance.** Risk acceptance documentation must include specifics regarding the initial and residual levels of risk, the control measures selected, and the required level of risk acceptance per table 4–1. Safety offices track and review all approved risk acceptances for trends.



Accident Investigation & Reporting | DA Pam 385-40



The purpose of an Army mishap investigation is to identify underlying causes and contributing factors that will lead to future mishaps.



Army Mishap Definition | AR 385-10

An unplanned event, or series of events, which results in one or more of the following:

A	Occupational illness to Army military or DA Civilian personnel.
B	Injury to on-duty DA Civilian personnel.
C	Injury to Army military personnel on and off duty.
D	Damage to Army property.
E	Damage to public or private property and/or injury or illness to non-Army personnel caused by Army operations (the U.S. Army had a causal or contributing role in the mishap).

NG Supplement 1 to AR 385-10

h. (add) ARNG Class R accident/incident in which-

- 1) Reporting is unique to the ARNG and provides emphasis on overall end strength and readiness program requirements. Non-duty & SAD losses are not recordable or reportable to the Department of the Army IAW AR 385-10.
- 2) A Non-duty ARNG Class R Accidental Fatality is defined as: The loss of a member of the ARNG who is not on Title 10 or 32 orders for duty or performing associated military duty related tasks. This class is reported and tracked at the State and ARNG HQ levels.
- 3) An On-duty ARNG Class R Accident/Incident is defined as: Property damage that does not meet Class E dollar cost threshold outlined in AR 385-10. On-duty Class R accidents/incidents may be tracked at the State level.



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