

U. S. C., title 28, secs. 847, 848, and 849), be, and they hereby are, amended by inserting before the period at the end of each of said sections 1, 2, and 3 the following: "or by receivers or conservators of banks, appointed by the Comptroller of the Currency".

Approved, June 19, 1935.

Sales of property of banks in liquidation excepted from provisions of Act.

## [CHAPTER 277.]

## AN ACT

To amend the National Defense Act of June 3, 1916, as amended.

June 19, 1935.  
[H. R. 5720.]  
[Public, No. 154.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 38 of the National Defense Act of June 3, 1916, as amended be, and the same is hereby, amended by inserting the following paragraph after the third paragraph thereof:

National Defense Act amendments.  
Vol. 39, p. 190; Vol. 48, p. 155; U. S. C., p. 1431.

"To the extent provided for from time to time by appropriations for this specific purpose, the President may order officers of the National Guard of the United States to active duty in an emergency at any time and for the period thereof: *Provided*, That, except in time of a national emergency expressly declared by Congress, no officer of the National Guard of the United States shall be employed on active duty for more than fifteen days in any calendar year without his own consent. When on such active duty an officer of the National Guard of the United States shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of active service, and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay."

National Guard of the United States.  
Officers, emergency active service.

*Proviso.*  
Restriction, without consent.

Pay and allowances.

SEC. 2. That section 58 of said Act be, and the same is hereby, amended by adding thereto another paragraph to read as follows: "*And provided further*, That in the grades of first lieutenant and second lieutenant the number shall be unlimited."

Composition of National Guard.  
Vol. 39, p. 197; Vol. 48, p. 155; U. S. C., p. 1429.  
First and second lieutenant grades; number.

SEC. 3. That section 70 of said Act be, and the same is hereby, amended by adding the following paragraph at the end thereof:

Vol. 39, p. 201; Vol. 48, p. 156; U. S. C., p. 1439.

"That the oath of enlistment prescribed in this section may be taken before any officer of the National Guard authorized to administer oaths of enlistment in the National Guard of the several States, Territories, and the District of Columbia, by respective laws thereof. All oaths of enlistment heretofore administered by the officers described above are hereby validated."

Enlistment oath.

SEC. 4. That section 77 of said Act be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

Vol. 39, p. 202; Vol. 48, p. 159; U. S. C., p. 1435.

"ELIMINATION AND DISPOSITION OF OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES.—The appointments of officers and warrant officers of the National Guard may be terminated or vacated in such manner as the several States, Territories, and the District of Columbia shall provide by law. Whenever the appointment of an officer or warrant officer of the National Guard of a State, Territory, or the District of Columbia has been vacated or terminated or upon reaching the age of sixty-four, the Federal recognition of such officer shall be withdrawn and he shall be discharged from the National Guard of the United States: *Provided*, That under such regulations as the Secretary of War may prescribe, upon termination of service in the active National Guard, an officer of the National Guard of the United States may, if he makes application therefor, transfer to the inactive National Guard and remain in the National Guard of the

Elimination and disposition of officers.

*Proviso.*  
Transfers to inactive status.

Withdrawal of Federal recognition.

Vol. 39, p. 202; Vol. 48, p. 158; U. S. C., p. 1438.

Chief, National Guard Bureau. Eligibility to succeed himself.

Vol. 39, p. 203; Vol. 48, p. 159; U. S. C., p. 1442.

Caretakers. Number.

Vol. 39, p. 205; Vol. 44, p. 673; U. S. C., p. 1433.

Compensation.

Pooling provisions.

Commissioned officers ineligible. off-  
Vol. 45, p. 440.

Pay regulations.

Draft of National Guard into active service in national emergency.  
Vol. 48, p. 160; U. S. C., p. 1436.

United States in the same or lower grade. When Federal recognition is withdrawn from any officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia, as provided in section 76 of this Act or upon reaching the age of sixty-four years, he shall thereupon cease to be a member thereof and shall be given a discharge certificate therefrom by the official authorized to appoint such officer."

SEC. 5. That section 81 of said Act be, and the same is hereby amended, by striking out after the words "and shall" in the third sentence of said section the word "not."

SEC. 6. That section 90 of said Act be, and the same is hereby amended, following the word "provided" so as to read: "That the caretakers hereby authorized to be employed shall not exceed five for any one organization, except heavier-than-air squadrons, for each of which a maximum of thirteen is authorized, who shall be paid by the United States disbursing officer for each State, Territory, and the District of Columbia.

"The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

"Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed fifteen for any one pool, is hereby authorized.

"Caretakers heretofore detailed or employed in pools shall be deemed to have been regularly detailed or employed as such under the law and regulations; and all payments heretofore or hereafter made therefor are hereby validated and authorized.

"Commissioned officers of the National Guard shall not be employed as caretakers, except that one such officer not above the grade of captain for each heavier-than-air squadron may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any organization, one of them shall be an enlisted man.

"The Secretary of War shall, by regulations, fix the salaries of all caretakers hereby authorized to be employed and shall also designate by whom they shall be employed."

SEC. 7. That section 111 of said Act be, and is hereby amended, by striking out after the words "any or all units and" in the first sentence of said section, the words "the members thereof" and inserting in lieu thereof the word "members".

Approved, June 19, 1935.

[CHAPTER 278.]

#### JOINT RESOLUTION

Requesting the President to proclaim October 9 as Leif Erikson Day.

June 19, 1935.  
[H. J. Res. 26.]  
[Pub. Res., No. 33.]

Leif Erikson Day.  
October 9, 1935, designated as.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is hereby authorized and requested to issue a proclamation designating October 9, 1935, as Leif Erikson Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

Approved, June 19, 1935.