

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
		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.

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 L. 87-649 repealed subsec.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.

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 allegiance 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)”.

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.”

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.

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 ap-