

(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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
303(a) .....	32:132.	June 3, 1916, ch. 134, §78
303(b) .....	32:133 (less proviso).	(1st and 2d sentences);
303(c) .....	32:154 (1st 26 words of last par.).	restated June 4, 1920, ch. 227, subch. I, §42 (less provisos); re-stated Feb. 28, 1925, ch. 371, §2 (1st and 2d sentences); restated June 15, 1933, ch. 87, §15 (1st and 2d sentences), 48 Stat. 159; July 9, 1952, ch. 608, §806(f), 66 Stat. 507.
303(d) .....	32:133 (proviso).	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.); re-stated 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 L. 87-649 repealed subsec.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 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)".

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