

HISTORICAL AND REVISION NOTES

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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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); restated 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(c)	32:154 (1st 26 words of last par.).	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.
303(d)	32:133 (proviso).	

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.