

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.)

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).)

AMENDMENTS

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.”

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 14308.

§ 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 Con-

stitution 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, §1 (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”.