

§ 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 Constitution 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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312	32:112.	June 3, 1916, ch. 134, § 73 (1st par.); restated June 15, 1933, ch. 87, § 11 (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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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”.

1958 ACT

<i>Section of title 32</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
313(b)	32 App.:4 (as applicable to age).	July 30, 1956, ch. 789, § 2 (as applicable to age), 70 Stat. 729.

AMENDMENTS

1967—Subsec. (b)(3). Pub. L. 90-130 struck out cl. (3) which inserted requirement that women appointed with a view to serving as a nurse or medical specialist be at least 21 years of age and under 64 years of age in order to be eligible for appointment as an officer of the National Guard.

1958—Subsec. (b). Pub. L. 85-861 inserted qualifications for appointment of women with a view to serving as nurses or medical specialists.

§ 314. Adjutants general

(a) There shall be an adjutant general in each State and Territory, Puerto Rico, and the District of Columbia. He shall perform the duties prescribed by the laws of that jurisdiction.

(b) The President shall appoint the adjutant general of the District of Columbia and prescribe his grade and qualifications.

(c) The President may detail as adjutant general of the District of Columbia any retired commissioned officer of the Regular Army or the Regular Air Force recommended for that detail by the commanding general of the District of Columbia National Guard. An officer detailed under this subsection is entitled to the basic pay and allowances of his grade.

(d) The adjutant general of each State and Territory, Puerto Rico, and the District of Columbia, and officers of the National Guard, shall make such returns and reports as the Secretary of the Army or the Secretary of the Air Force may prescribe, and shall make those returns and reports to the Secretary concerned or to any officer designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 604; Pub. L. 85-894, Sept. 2, 1958, 72 Stat. 1713; Pub. L. 100-456, div. A, title XII, § 1234(b)(1), (5), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 101-510, div. A, title XIII, § 1322(b), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-190, div. A, title V, § 553, Dec. 5, 1991, 105 Stat. 1371.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
314(a)	32:11.	Jan. 21, 1903, ch. 196, § 12, 32 Stat. 776.
314(b)	32:12.	June 6, 1900, ch. 811, 31 Stat. 671.
314(c)	10:998.	June 3, 1916, ch. 134, § 66, 39 Stat. 199.
314(d)	32:13.	
	32:14.	

In subsection (a), the word “appointed” is omitted, since the position is not filled by appointment in some cases. The Act of January 21, 1903, ch. 196, § 12 (last 48 words of 1st sentence) are not contained in 32:11. They are also omitted from the revised section as covered by subsection (d) of this section.

In subsection (b), the word “grade” is substituted for the word “rank”. The words “To be eligible for ap-