

(2) The term “Governor of a State” means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(3) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(Added Pub. L. 101-189, div. A, title XII, §1207(a)(1), Nov. 29, 1989, 103 Stat. 1564; amended Pub. L. 102-25, title VII, §703, Apr. 6, 1991, 105 Stat. 118; Pub. L. 102-396, title IX, §9099A, Oct. 6, 1992, 106 Stat. 1926.)

#### REFERENCES IN TEXT

Section 524 of title 10, referred to in subsec. (e)(1), was renumbered section 12011 of title 10 by Pub. L. 103-337, div. A, title XVI, §1662(a)(2)(A), Oct. 5, 1994, 108 Stat. 2988.

#### PRIOR PROVISIONS

Similar provisions were contained in Pub. L. 100-456, div. A, title XI, §1105, Sept. 29, 1988, 102 Stat. 2047, which was set out as a note under section 374 of Title 10, Armed Forces, prior to repeal by Pub. L. 101-189, §1207(b).

#### AMENDMENTS

1992—Subsec. (e)(1). Pub. L. 102-396 inserted “(or during fiscal year 1993 otherwise implementing)” after “administering”.

1991—Subsec. (c)(2). Pub. L. 102-25 substituted “in consultation with the Director of National Drug Control Policy.” for “in consultation with—

“(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and  
“(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.”

#### CHANGE OF NAME

Committee on Armed Services of House of Representatives changed to Committee on National Security of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 101.

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#### AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1676(a)(4), Oct. 5, 1994, 108 Stat. 3019, substituted “National Guard officers:” for “officers: Army National Guard:” in items 309 and 310. Section 1691(b)(1) of Pub. L. 103-337 provided that the amendments to sections 309 and 310 are effective Oct. 1, 1996.

1986—Pub. L. 99-661, div. A, title VI, §604(f)(2)(B), Nov. 14, 1986, 100 Stat. 3878, struck out item 318 “Compensation for disablement during training”, item 319 “Compensation for disablement during training when not covered by section 318 of this title”, item 320 “Hospitalization: when Secretary may require”, and item 321 “Death gratuity”.

1984—Pub. L. 98-525, title IV, §414(b)(2)(B), Oct. 19, 1984, 98 Stat. 2519, struck out item 335 “Status of certain members performing full-time duty”.

1983—Pub. L. 98-94, title V, §504(b)(2), Sept. 24, 1983, 97 Stat. 632, added item 335.

1981—Pub. L. 97-124, §3, Dec. 29, 1981, 95 Stat. 1666, struck out item 334 “Payment of malpractice liability of National Guard Medical personnel”.

1980—Pub. L. 96-513, title V, §515(1), Dec. 12, 1980, 94 Stat. 2937, inserted “of officers” after “recognition” in item 307.

1976—Pub. L. 94-464, §2(c), Oct. 8, 1976, 90 Stat. 1988, added item 334.

1961—Pub. L. 87-378, §5(2), Oct. 4, 1961, 75 Stat. 808, inserted “, reenlistments, and extensions” in item 302.

1958—Pub. L. 85-861, §2(8), Sept. 2, 1958, 72 Stat. 1544, added items 309 and 310.

#### CROSS REFERENCES

Active Federal status, see section 12401 of Title 10, Armed Forces.

Appointments as reserve officers, see section 12201 et seq. of Title 10.

Army National Guard and Air National Guard in Federal service, call, see section 12406 of Title 10.

Army Reserve or Air Force Reserve—

Transfer from Army National Guard of United States or Air National Guard of United States to, see sections 12105, 12213, and 12214 of Title 10.

Transfer to upon withdrawal as member of Army National Guard or Air National Guard, see section 12106 of Title 10.

Basic policy for order of Army National Guard of the United States and Air National Guard of the United States into Federal service, see section 10103 of Title 10.

Pay and allowances generally, see Title 37, Pay and Allowances of the Uniformed Services.

Reserve components: detail of members of regular and reserve components to assist, see section 12501 of Title 10, Armed Forces.

Status when not in Federal service, see sections 10107 and 10113 of Title 10.

Uniform, when wearing by persons not on active duty authorized, see section 772 of Title 10.

### § 301. Federal recognition of enlisted members

To be eligible for Federal recognition as an enlisted member of the National Guard, a person must have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved. He becomes federally recognized upon enlisting in a federally recognized unit or organization of the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
301 .....	50:1113(a) (as applicable to enlisted members).	July 9, 1952, ch. 608, § 703(a) (as applicable to enlisted members), 66 Stat. 502.

#### CROSS REFERENCES

Withdrawal of Federal recognition, see section 323 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 709 of this title.

### § 302. Enlistments, reenlistments, and extensions

(a) Under regulations to be prescribed by the Secretary concerned, original enlistments in the National Guard may be accepted for—

(1) any specified term, not less than three years, for persons who have not served in an armed force; or

(2) any specified term, not less than one year, for persons who have served in any armed force.

(b) Under regulations to be prescribed by the Secretary concerned, reenlistment in the National Guard may be accepted for any specified period, or, if the person last served in one of the highest five enlisted grades, for an unspecified period.

(c) Enlistments or reenlistments in the National Guard may be extended—

(1) under regulations to be prescribed by the Secretary concerned, at the request of the member, for any period not less than six months; or

(2) by proclamation of the President, if Congress declares an emergency, until six months after termination of that emergency.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601; Oct. 4, 1961, Pub. L. 87-378, § 5(1), 75 Stat. 808.)

#### 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".

#### 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.

#### EFFECTIVE DATE OF 1961 AMENDMENT

Section 6 of Pub. L. 87-378 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]."

#### CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States, see section 12107 of Title 10, Armed Forces.

### § 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; Sept. 7, 1962, Pub. L. 87-649, § 14e(1), 76 Stat. 502; Dec. 12, 1980, Pub. L. 96-513, title V, § 515(2), 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).	re-stated June 4, 1920, ch. 227, subch. I, §42 (less provisos); re-stated Feb. 28, 1925, ch. 371, §2 (1st and 2d sentences); re-stated 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.); re-stated 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.
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.

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.

CROSS REFERENCES

Persons enlisted in inactive National Guard not entitled to pay, see section 206 of Title 37, Pay and Allowances of Uniformed Services.

Transfer of enlisted members from Army National Guard of United States and Air National Guard of United States to Army Reserve and Air Force Reserve, see section 12105 of Title 10, Armed Forces.

§ 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; Oct. 5, 1962, Pub. L. 87-751, §2, 76 Stat. 748; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(b)(1), 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; re-stated June 4, 1920, ch. 227, subch. I, §38; re-stated 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.

CROSS REFERENCES

General military law provision, see section 502 of Title 10, Armed Forces.

Subscription to oath necessary for enlistment as member of Army National Guard of United States and Air National Guard of United States, see section 12107 of Title 10.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 12107.

§ 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 Army, Navy, Air Force, or Marine Corps.
- (3) Former officers of the Army, Navy, Air Force, or Marine Corps.

(4) Former enlisted members of the Army, Navy, Air Force, or Marine Corps who were discharged honorably or under honorable conditions.

(5) Graduates of the United States Military Academy, the United States Naval Academy, or the United States Air Force 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; Sept. 2, 1958, Pub. L. 85-861, §2(5), 72 Stat. 1543; Nov. 8, 1967, Pub. L. 90-130, §2(1), 81 Stat. 383.)

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 ap-

plicability of section 3 of the source statute to section 1 of the source statute is omitted as unnecessary.

AMENDMENTS

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 ap-

pointment 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 appointment in the Army National Guard or the Air National Guard, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 602; Sept. 2, 1958, Pub. L. 85-861, §2(6), 72 Stat. 1543; Oct. 13, 1972, Pub. L. 92-492, §2(b), 86 Stat. 810; Dec. 16, 1980, Pub. L. 96-535, 94 Stat. 3165; Oct. 5, 1994, Pub. L. 103-337, div. A, title XVI, §1676(a)(2), 108 Stat. 3019.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
307(a) .....	32:113 (1st sentence). 32:111 (37th through 54th words). 50:1113(a) (as applicable to officers).	June 3, 1916, ch. 134, §74 (39th through 56th words); restated June 4, 1920, ch. 227, subch. I, §41 (39th through 56th words), 41 Stat. 781.
307(b).	32:113 (2d sentence and 1st 24 words of 3d sentence).	June 3, 1916, ch. 134, §75; restated June 15, 1933, ch. 87, §12, 48 Stat. 158; July 9, 1952, ch. 608, §803 (10th par.), 66 Stat. 505.
307(c).	32:113 (3d sentence, less 1st 24 words).	July 9, 1952, ch. 608, §703(a) (as applicable to officers), 705(a) (less last 39 words), 66 Stat. 502.
307(d).	50:1115(a) (less last 39 words).	

In subsection (b), the words “prescribed by subsection (a)” are substituted for the words “to determine such qualifications for appointment”. The word “designated” is substituted for the word “appointed”, since the filling of the positions involved is not an appointment to office in the constitutional sense. The words “of an individual as an officer or warrant officer” are omitted as surplusage.

In subsection (c), the word “originally” is inserted for clarity. The words “If such a board finds a person” are substituted for the words “if the applicant has been found”. The words “for individual Federal recognition for the office for which he was found qualified” are inserted for clarity. The words “that office” are substituted for the words “the office for which he was found qualified”.

In subsection (d), the words “Notwithstanding the provisions of section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The words “Subject to subsection (a)(1) and (2)” are inserted, since 50:1115(a) (less last 39 words) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the requirement that only members of federally recognized units can be federally recognized. The words “in his reserve grade” are substituted for the words “in the same grade in which he is appointed as a Reserve officer of the appropriate Armed Force of the United States”. The last sentence is inserted for clarity.

1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
307(a) .....	50:1349(b) (1st sentence).	Sept. 3, 1954, ch. 1257, §519(b), 68 Stat. 1179.
307(e) .....	50:1349(b) (less 1st sentence, and less 36th through 58th words of 2d sentence).	
307(f) .....	50:1349(b) (36th through 58th words of 2d sentence).	

In subsection (e), the words “to subsection (a)(1) and (2)” are inserted, since 50:1349(b) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the requirement that only members of federally recognized units can be federally recognized. The words “without the examination prescribed in section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The last 37 words are substituted for 50:1349(b) (last 29 words of 2d sentence; and last sentence).

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-337 struck out “and sections 8365 and 8366 of title 10” after “of this section”.

1980—Subsec. (g). Pub. L. 96-535 struck out subsec. (g) which prohibited extension of Federal recognition to members of the Virgin Islands National Guard in any grade above colonel.

1972—Subsec. (g). Pub. L. 92-492 added subsec. (g).  
1958—Subsec. (a)(3). Pub. L. 85-861, §2(6)(A), substituted “subsections (d) and (e) of this section and sections 8365 and 8366 of title 10” for “subsection (d)”.

Subsecs. (e), (f). Pub. L. 85-861, §2(6)(B), added subsecs. (e) and (f).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

CROSS REFERENCES

Appointment of officers of Army National Guard and Air National Guard as Reserves for service as members of Army National Guard of United States and Air National Guard of United States, see sections 12211 and 12212 of Title 10, Armed Forces.

Extension of recognition upon promotion in Air National Guard of United States without examination, see sections 8365, 8366, and 8376 of Title 10.

Suspension of subsec. (e) of this section, see section 111 of this title.

Transfer of officers from Army National Guard of United States and Air Force National Guard of United States to Army Reserve and Air Force Reserve, see sections 12213 and 12214 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 308, 310 of this title; title 10 sections 8365, 8366, 8376, 14301, 14308, 14316.

**§ 308. Federal recognition of officers: temporary recognition**

(a) The Secretary of the Army may authorize the extension of temporary Federal recognition as an officer of the Army National Guard to any person who has passed the examination prescribed in section 307(b) of this title, pending his appointment as a reserve officer of the Army. The Secretary of the Air Force may do likewise for a person who has passed that examination pending his appointment as a reserve officer of the Air Force. Temporary recognition so extended may be withdrawn at any time. If not

sooner withdrawn or replaced by permanent recognition upon appointment as a reserve officer in the same grade, it terminates six months after its effective date.

(b) To be eligible for temporary Federal recognition under subsection (a), a person must take an oath that during the period of temporary recognition he will perform his Federal duties as if he had been appointed as a reserve officer of the Army or the Air Force, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 603.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
308(a) .....	50:1114 (less 2d and 3d sentences).	July 9, 1952, ch. 608, §704 (less 2d sentence), 66 Stat. 502.
308(b).	50:1114 (3d sentence).	

In subsection (a), the words “by regulations” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “as an officer of the Army National Guard to any person” are substituted for the words “to any officer of the National Guard or Air National Guard”. The second sentence is inserted for clarity. The words “successfully”, “final determination of his eligibility for, and”, “in the grade concerned”, and “automatically” are omitted as surplusage. 50:1114 (proviso of last sentence) is omitted as surplusage.

In subsection (b), the words “To be eligible for temporary Federal recognition under subsection (a), a person” are substituted for the words “However, a temporary extension of Federal recognition shall be granted only when the officer”. The words “the period of temporary recognition” are substituted for the words “such recognition”. The words “and obligations required of him” and “in the same grade” are omitted as surplusage.

**§ 309. Federal recognition of officers: Army National Guard; officers promoted to fill vacancies**

Each officer of the Army National Guard who is promoted to fill a vacancy in a federally recognized unit thereof, and who is eligible for promotion under section 3363(b) of title 10, shall be examined for Federal recognition in the grade to which he is promoted. However, a second lieutenant or first lieutenant of the Army National Guard who has served creditably for at least one year in a position prescribed to be filled by a captain, and who has not previously been federally recognized under this section, may be examined for Federal recognition in the next higher grade without regard to section 3363(b) of title 10.

(Added Pub. L. 85-861, §2(7), Sept. 2, 1958, 72 Stat. 1543; amended Pub. L. 103-337, div. A, title XVI, §1630(1), Oct. 5, 1994, 108 Stat. 2963.)

AMENDMENT OF SECTION

*Pub. L. 103-337, div. A, title XVI, §§1630(1), 1691(b)(1), Oct. 5, 1994, 108 Stat. 2963, 3026, provided that, effective Oct. 1, 1996, this section is amended to read as follows:*

§ 309. Federal recognition of National Guard officers: officers promoted to fill vacancies

*Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on*

*the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.*

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
309 .....	50:1251.	Sept. 3, 1954, ch. 1257, §319, 68 Stat. 1160.

The words “authorized under section 1227(a) of this title” are omitted as surplusage.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 310 of this title; title 10 sections 3363, 3385.

**§ 310. Federal recognition of officers: Army National Guard; automatic recognition**

(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.

(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.)

AMENDMENT OF SECTION

*Pub. L. 103-337, div. A, title XVI, §§1630(1), 1691(b)(1), Oct. 5, 1994, 108 Stat. 2964, 3026, provided that, effective Oct. 1, 1996, this section is amended to read as follows:*

§ 310. Federal recognition of National Guard officers: automatic recognition

*(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer*

has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if 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.

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,
310(b) .....	50:1252(2).	§ 320, 68 Stat. 1160.

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).)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 3385, 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 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

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, § 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; Sept. 2, 1958, Pub. L. 85-861, § 2(9), 72 Stat. 1544; Nov. 8, 1967, Pub. L. 90-130, § 2(2), 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”.

1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
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.

## CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States, enlistment, see section 12107 of Title 10, Armed Forces.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 311.

**§ 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; Sept. 2, 1958, Pub. L. 85-894, 72 Stat. 1713; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(b)(1), (5), 102 Stat. 2059; Nov. 5, 1990, Pub. L. 101-510, div. A, title XIII, §1322(b), 104 Stat. 1672; Dec. 5, 1991, Pub. L. 102-190, div. A, title V, §553, 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 appointment as \* \* \* a person must be" are substituted for the words "each \* \* \* shall be". The words "of that jurisdiction" are substituted for the words "of the Territory for which he is appointed".

In subsection (c), the word "Regular" is inserted as an implication of 10:998 (last 2 words). The words "commanding general" are substituted for the words "brigadier general commanding", since the commanding general might hold another grade.

The words "basic pay" are substituted for the words "active service pay" to conform to section 201 of the Career Compensation Act of 1949, 63 Stat. 805 (37 U.S.C. 232). The word "grade" is substituted for the word "rank".

In subsection (d), the words "at such times and in such form" are omitted as covered by the words "such returns and reports as the Secretary \* \* \* may prescribe".

## AMENDMENTS

1991—Subsec. (b). Pub. L. 102-190 struck out "each Territory and" before "the District of Columbia" in first sentence, and struck out at end "To be eligible for appointment as adjutant general of a Territory, a person must be a citizen of that jurisdiction."

1990—Subsec. (d). Pub. L. 101-510 struck out at end "Each Secretary shall send with his annual report to Congress an abstract of the returns and reports of the adjutants general and such comments as he considers necessary for the information of Congress."

1988—Subsec. (a). Pub. L. 100-456, §1234(b)(1), struck out "the Canal Zone," after "Puerto Rico,".

Subsec. (b). Pub. L. 100-456, §1234(b)(5), struck out "the Canal Zone," after "each Territory" and "or the Canal Zone" after "a Territory".

Subsec. (d). Pub. L. 100-456, §1234(b)(1), struck out "the Canal Zone," after "Puerto Rico,".

1958—Subsec. (b). Pub. L. 85-894 struck out "Puerto Rico" in two places.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 709 of this title.

**§ 315. Detail of regular members of Army and Air Force to duty with National Guard**

(a) The Secretary of the Army shall detail commissioned officers of the Regular Army to duty with the Army National Guard of each State and Territory, Puerto Rico, and the District of Columbia. The Secretary of the Air Force shall detail commissioned officers of the Regular Air Force to duty with the Air National Guard of each State and Territory, Puerto Rico, and the District of Columbia. With the permission of the President, an officer so detailed may accept a commission in the Army National Guard or the Air National Guard, as the case may be, terminable in the President's discretion, without prejudicing his rank and without vacating his regular appointment.

(b) The Secretary of the Army may detail enlisted members of the Regular Army for duty with the Army National Guard of each State and Territory, Puerto Rico, and the District of Columbia. The Secretary of the Air Force may detail enlisted members of the Regular Air Force for duty with the Air National Guard of each State and Territory, Puerto Rico, and the District of Columbia.

(Aug. 10, 1956, ch. 1041, 70A Stat. 604; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(b)(1), 102 Stat. 2059.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
315(a) .....	32:68 (less 2d sentence). 32:69.	June 3, 1916, ch. 134, §100, 39 Stat. 208.
315(b).	32:68 (2d sentence).	

In subsection (a), 32:68 (last sentence) is omitted as surplusage, since positive provisions relating to the assignment or detail of retired officers to that duty are covered by section 3504(a) or 8504(a) of title 10. The words "of the active list", in 32:68, are omitted for the same reason. The words "so detailed" are substituted for the words "detailed under section 68 of this title", in 32:69. The words "relative or lineal", in 32:69, are omitted as surplusage.

## AMENDMENTS

1988—Subsecs. (a), (b). Pub. L. 100-456 struck out "the Canal Zone," after "Puerto Rico,".

CROSS REFERENCES

National Guard Bureau, assignment of regular or reserve officers of Army or Air Force, see section 10507 of Title 10, Armed Forces.

Reserve components, detail of members of regular and reserve components to assist, see section 12501 of Title 10.

**§ 316. Detail of members of Army National Guard for rifle instruction of civilians**

The President may detail officers and non-commissioned officers of the Army National Guard to duty as instructors at rifle ranges for the training of civilians in the use of military arms.

(Aug. 10, 1956, ch. 1041, 70A Stat. 605.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
316 .....	32:183.	June 3, 1916, ch. 134, §113 (3d sentence), 39 Stat. 211.

The word "civilians" is substituted for the word "citizenry". The word "capable" is omitted as surplusage.

CROSS REFERENCES

Credit for service as members of Army National Guard or Air National Guard of members of Army National Guard of United States or Air National Guard of United States, see section 12602 of Title 10, Armed Forces.

Inactive duty training, duty (other than full-time duty) under this section as, see section 101 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 715 of this title; title 10 sections 101, 701, 1054, 1089, 1333, 12732, 12733; title 28 section 2671; title 38 sections 101, 1965.

**§ 317. Command during joint exercises with Federal troops**

When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal service, the command of the post, air base, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise.

(Aug. 10, 1956, ch. 1041, 70A Stat. 605.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
317 .....	32:72.	June 3, 1916, ch. 134, §95, 39 Stat. 207.

The words "not in Federal service" are inserted to show that the revised section applies only to joint exercises involving National Guard troops not in Federal service, since 32:72 was enacted before the establishment of the National Guard of the United States, in 1933. The words "troops in Federal service" are substituted for the words "troops of the United States". The words "officers in Federal service who command"

are substituted for the words "commander of the United States troops". The words "post, air base, or other place" are substituted for the words "military post, or reservation, or elsewhere". The words "that place and the Federal troops on duty there" are substituted for the words "there or elsewhere". The words "including outdoor target practice" and "field and coast defense instruction" are omitted as surplusage.

**[§§ 318 to 321. Repealed. Pub. L. 99-661, div. A, title VI, § 604(f)(2)(A), Nov. 14, 1986, 100 Stat. 3878]**

Section 318, acts Aug. 10, 1956, ch. 1041, 70A Stat. 605; Sept. 2, 1958, Pub. L. 85-861, §33(c)(1), 72 Stat. 1567; Sept. 7, 1962, Pub. L. 87-649, §8(a), 76 Stat. 495, related to compensation for members of National Guard for disablement during training.

Section 319, act Aug. 10, 1956, ch. 1041, 70A Stat. 605, related to compensation for members of National Guard for disablement during training when not covered by section 318 of this title.

Section 320, act Aug. 10, 1956, ch. 1041, 70A Stat. 606, related to hospitalization ordered by Secretary of Army or Air Force for members of National Guard.

Section 321, acts Aug. 10, 1956, ch. 1041, 70A Stat. 606; Sept. 2, 1958, Pub. L. 85-861, §2(10), 72 Stat. 1544; Sept. 7, 1962, Pub. L. 87-649, §8(b), 76 Stat. 495, related to death gratuities for members of National Guard.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99-661, set out as an Effective Date of 1986 Amendment note under section 1074a of Title 10, Armed Forces.

**§ 322. Discharge of enlisted members**

(a) An enlisted member of the National Guard shall be discharged when—

- (1) he becomes 64 years of age; or
- (2) his Federal recognition is withdrawn.

(b) An enlisted member who is discharged from the National Guard is entitled to a discharge certificate similar in form and classification to the corresponding certificate prescribed for members of the Regular Army or the Regular Air Force, as the case may be.

(c) In time of peace, an enlisted member of the National Guard may be discharged before his enlistment expires, under such regulations as may be prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 606.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
322(a) .....	32:154 (last par., less 1st 26, and last 26, words).	June 3, 1916, ch. 134, §72; restated June 4, 1920, ch. 227, subch. I, §40; restated June 15, 1933, ch. 87, §10, 48 Stat. 157; July 9, 1952, ch. 608, §806(d), 66 Stat. 507.
322(b).	32:125 (less last 27 words).	June 3, 1916, ch. 134, §110 (last par., less 1st 30, and last 25, words); restated Sept. 22, 1922, ch. 423, §6 (last par., less 1st 30, and last 137, words); restated May 12, 1928, ch. 529 (less 1st 30, and last 25, words), 45 Stat. 500.
322(c).	32:125 (last 27 words).	

Subsection (a) is substituted for 32:154 (last par., less 1st 26, and last 26, words) to reflect an opinion of the

Judge Advocate General of the Army (JAGA 1953/9033, 3 Dec. 1953).

In subsection (b), the words “is entitled to a discharge certificate similar in form and classification to the corresponding certificate” are substituted for the words “shall receive a discharge in writing in such form and with such classification as is or shall be”. The words “service in” are omitted as surplusage.

In subsection (c), the words “his enlistment expires” are substituted for the words “the expiration of terms of enlistment”.

#### CROSS REFERENCES

Army and Air Force enlisted members, limitations on discharge, see section 1169 of Title 10, Armed Forces.

### § 323. Withdrawal of Federal recognition

(a) Whenever a member of the National Guard ceases to have the qualifications prescribed under section 301 of this title or ceases to be a member of a federally recognized unit or organization of the National Guard, his Federal recognition shall be withdrawn.

(b) Under regulations to be prescribed by the President, the capacity and general fitness of an officer of the National Guard for continued Federal recognition may be investigated at any time by an efficiency board composed of commissioned officers of—

(1) the Regular Army or the Army National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Army, if he is a member of the Army National Guard; or

(2) the Regular Air Force or the Air National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Air Force, if he is a member of the Air National Guard.

If the findings of the board are unfavorable to the officer and are approved by the President, his Federal recognition shall be withdrawn.

(c) If a member of the Army National Guard of the United States or the Air National Guard of the United States is transferred to the Army Reserve or the Air Force Reserve, as the case may be, under section 12105, 12213(a), or 12214(a) of title 10, his Federal recognition is withdrawn.

(d) Except as provided in sections 1005 and 1006<sup>1</sup> of title 10, the Federal recognition of a second lieutenant of the Army National Guard who is discharged under section 3820(c) of title 10 for failure of promotion shall be withdrawn on the date of that discharge.

(e) Except as provided in sections 1005 and 1006<sup>1</sup> of title 10, the Federal recognition of a reserve officer of the Air Force who is not recommended for promotion under section 8368(c)(1) or (2) of title 10, or who is found to be not qualified for Federal recognition under section 8368(d) or (e) of title 10, shall be withdrawn.

(Aug. 10, 1956, ch. 1041, 70A Stat. 607; Sept. 2, 1958, Pub. L. 85–861, §§ 2(11), 33(c)(2), 72 Stat. 1546, 1567; Oct. 5, 1994, Pub. L. 103–337, div. A, title XVI, §§ 1630(2), 1676(a)(3), 108 Stat. 2964, 3019.)

#### AMENDMENT OF SUBSECTIONS (d) AND (e)

*Pub. L. 103–337, div. A, title XVI, §§ 1630(2), 1691(b)(1), Oct. 5, 1994, 108 Stat. 2964, 3026, pro-*

*vided that, effective Oct. 1, 1996, this section is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:*

*(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—*

*(1) federally recognized as an officer of the National Guard; and*

*(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10; shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.*

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
323(a) .....	32:154 (last 26 words of last par.).	June 3, 1916, ch. 134, § 76 (1st sentence, and 1st 24 words of 2d sentence); restated June 15, 1933, ch. 87, § 13 (1st sentence, and 1st 24 words of 2d sentence), 48 Stat. 158.
323(b).	32:115 (1st sentence, and 1st 24 words of 2d sentence).	June 3, 1916, ch. 134, § 110 (last 25 words of last par.); restated Sept. 22, 1922, ch. 423, § 6 (last 13 words of last par.); restated May 12, 1928, ch. 529 (last 25 words), 45 Stat. 501.
323(c).	50:1116 (last 15 words of 1st sentence).	July 9, 1952, ch. 608, § 706 (last 15 words of 1st sentence), 66 Stat. 503.

In subsection (a) the words “ceases to have the qualifications prescribed under section 300 of this title” are substituted for 32:154 (last 26 words of last par.), since it is implicit that a member who could not be paid would lose his federally recognized status (see JAGA 1953/9033, 3 Dec. 1953). The last 23 words of subsection (a) are inserted as a necessary implication of the rule stated in section 309(c) of this title.

In subsection (b), the words “or warrant officer” are omitted, since section 101(9) of this title defines “officer” to include warrant officers. The word “detailed” is substituted for the word “appointed”, since the filling of the positions involved is not appointment to an office in the constitutional sense. The word “commissioned” is inserted after the words “composed of”, since the word “officer” alone, in 32:115, referred to a commissioned officer only (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)). The words “who outrank him” are substituted for the words “senior in rank to the officer under investigation”.

In subsection (c), the opening clause is substituted for the words “such transfer”. The words “his Federal recognition is withdrawn” are substituted for the words “shall terminate his federally recognized National Guard or Air National Guard status”.

#### 1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
323(d) .....	50:1261 (as applicable to Federal recognition).	Sept. 3, 1954, ch. 1257, §§ 324 (as applicable to Federal recognition), 522(e)(1) (56th through 63d words), (e)(2) (78th through 85th words), 68 Stat. 1161, 1181.
323(e).	50:1352(e)(1) (56th through 63d words). 50:1352(e)(2) (78th through 85th words).	

The change [in subsec. (b)(1) and (2)] is necessary to exclude from the efficiency board commissioned officers of the Army Reserve or Air Force Reserve, in accordance with the source law, the first sentence of section 76 of the Act of June 3, 1916, chapter 134 (formerly 32 U.S.C. 115 (1st sentence)).

In subsection (d), the words “notwithstanding section 115 of title 32” are omitted as surplusage.

<sup>1</sup> See References in Text note below.

In subsection (e), the words “if appropriate” are omitted as surplusage.

REFERENCES IN TEXT

Sections 1005 and 1006 of title 10, referred to in subsecs. (d) and (e), were renumbered sections 12645 and 12646 of title 10, respectively, by Pub. L. 103-337, div. A, title XVI, §1662(h)(2), Oct. 5, 1994, 108 Stat. 2996.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-337, §1676(a)(3), substituted “12105, 12213(a), or 12214(a)” for “3259, 3352(a), 8259, or 8352(a)”.

1958—Subsec. (b)(1). Pub. L. 85-861, §33(c)(2), substituted “the Regular Army or the Army National Guard of the United States, or both” for “a regular or reserve component of the Army”.

Subsec. (b)(2). Pub. L. 85-861, §33(c)(2), substituted “the Regular Air Force or the Air National Guard of the United States, or both” for “a regular or reserve component of the Air Force”.

Subsecs. (d), (e). Pub. L. 85-861, §2(11), added subsecs. (d) and (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1676(a)(3) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, and amendment by section 1630(2) of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by section 33(c)(2) of Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of Title 10, Armed Forces.

CROSS REFERENCES

Suspension of subsecs. (d) and (e) of this section, see section 111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 111 of this title; title 10 sections 3820, 8368, 8820, 14907.

**§ 324. Discharge of officers; termination of appointment**

(a) An officer of the National Guard shall be discharged when—

- (1) he becomes 64 years of age; or
- (2) his Federal recognition is withdrawn.

The official who would be authorized to appoint him shall give him a discharge certificate.

(b) Subject to subsection (a), the appointment of an officer of the National Guard may be terminated or vacated as provided by the laws of the State or Territory of whose National Guard he is a member, or by the laws of Puerto Rico or the District of Columbia, if he is a member of its National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 607; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(b)(6), 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
324(a) .....	32:114 (less 1st sentence).	June 3, 1916, ch. 134, §77; restated June 15, 1933, ch. 87, §14; restated June 19, 1935, ch. 277, §4, 49 Stat. 391; July 9, 1952, ch. 608, §803 (11th par.), 66 Stat. 505.
324(b).	32:114 (1st sentence).	

In subsection (a), the words “shall be discharged” are substituted for the words “shall thereupon cease to be a member thereof” since an official is required to give the officer a discharge certificate. The words “becomes 64 years of age” are substituted for the words “upon reaching the age of sixty-four years”. The words “his Federal recognition is withdrawn” are substituted for the words “When Federal recognition is withdrawn \* \* \* as provided in section 115 of this title”.

In subsection (b), the words “Subject to subsection (a)” are inserted for clarity. The words “as provided by the laws” are substituted for the words “in such manner as \* \* \* shall provide by law”.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-456 struck out “, the Canal Zone,” after “Puerto Rico”.

CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States, discharge of officers, see sections 3820 and 8820 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 3855, 8855.

**§ 325. Relief from National Guard duty when ordered to active duty**

(a) Each member of the Army National Guard of the United States or the Air National Guard of the United States who is ordered to active duty is relieved from duty in the National Guard of his State or Territory, or of Puerto Rico or the District of Columbia, as the case may be, from the effective date of his order to active duty until he is relieved from that duty.

(b) So far as practicable, members, organizations, and units of the Army National Guard of the United States or the Air National Guard of the United States ordered to active duty shall be returned to their National Guard status upon relief from that duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 607; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(b)(6), 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
325(a) .....	50:1120.	July 9, 1952, ch. 608, §§710, 712(b) (less last 17 words), 66 Stat. 503, 504.
325(b) .....	50:1122(b) (less last 17 words).	

In subsection (a), the words “in the service of the United States” are omitted as surplusage. The words “effective date of his order to active duty until he is relieved from that duty” are substituted for the words “active-duty date of the orders and for as long as they remain on active duty in the service of the United States”. 50:1120 (last sentence) is omitted as surplusage, since the persons involved are members of the Army or the Air Force.

In subsection (b), the words “upon relief from that duty” are substituted for the words “upon being relieved from active duty”. The words “their National Guard status” are substituted for the words “to the National Guard and Air National Guard in their respective States, Territories, and the District of Columbia”.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 struck out “, the Canal Zone,” after “Puerto Rico”.

CROSS REFERENCES

Active duty, see sections 12301 and 12401 of Title 10, Armed Forces.

Return of arms and equipment upon relief from Federal service, see section 706 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 706 of this title.

**§ 326. Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures**

In the National Guard not in Federal service, there are general, special, and summary courts-martial constituted like similar courts of the Army and the Air Force. They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures, provided for those courts.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
326 .....	32:91.	June 3, 1916, ch. 134, §102, 39 Stat. 208.

The words “not in Federal service” are substituted for the words “Except in organizations in the service of the United States”. The words “have the jurisdiction and powers” are substituted for the words “and have cognizance of the same subjects, and possess like powers”. The words “of three kinds, namely”, “provided for by the laws and regulations governing”, “proceedings of courts-martial of the National Guard”, and “modes of” are omitted as surplusage.

CROSS REFERENCES

Uniform Code of Military Justice—  
Generally, see section 801 et seq. of Title 10, Armed Forces.  
Composition of courts-martial, see sections 825 to 829 of Title 10.  
Court-martial jurisdiction, see sections 816 to 820 of Title 10.  
Pre-trial procedure, see sections 830 to 835 of Title 10.  
Review of courts-martial, see sections 859 to 876a of Title 10.  
Trial procedure, see sections 836 to 854 of Title 10.

**§ 327. General courts-martial of National Guard not in Federal service**

(a) In the National Guard not in Federal service, general courts-martial may be convened by the President or by the governor of a State or Territory or Puerto Rico or by the commanding general of the National Guard of the District of Columbia.

- (b) A general court-martial may sentence to—
- (1) a fine of not more than \$200;
  - (2) forfeiture of pay and allowances;
  - (3) a reprimand;
  - (4) dismissal or dishonorable discharge;
  - (5) reduction of a noncommissioned officer to the ranks; or
  - (6) any combination of these punishments.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(b)(4), 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
327(a) .....	32:92 (1st 46 words).	June 3, 1916, ch. 134, §103,
327(b) .....	32:92 (less 1st 46 words).	39 Stat. 208.

In subsection (a), the words “Federal service” are substituted for the words “service of the United States”.

In subsection (b), the words “A general court-martial may sentence to—” are substituted for the words “and such courts shall have the power to impose \* \* \* to sentence”. The words “any combination of these punishments” are substituted for the words “or any two or more of such punishments may be combined in the sentences imposed by such courts”.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 substituted “Territory or Puerto Rico” for “Territory, Puerto Rico, or the Canal Zone,”.

CROSS REFERENCES

Uniform Code of Military Justice—  
Generally, see section 801 et seq. of Title 10, Armed Forces.  
Convening general courts-martial, see section 822 of Title 10.  
Jurisdiction of general courts-martial, see section 818 of Title 10.  
Sentences, generally, see sections 855 to 858a of Title 10.

**§ 328. Special courts-martial of National Guard not in Federal service**

(a) In the National Guard not in Federal service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command, may convene special courts-martial. Special courts-martial may also be convened by superior authority.

(b) A special court-martial may not try a commissioned officer.

(c) A special court-martial has the same powers of punishment as a general court-martial, except that a fine imposed by a special court-martial may not be more than \$100 for a single offense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
328(a) .....	32:93 (less last sentence).	June 3, 1916, ch. 134, §104,
328(b) .....	32:93 (1st 32 words of last sentence).	39 Stat. 208.
328(c) .....	32:93 (last sentence, less 1st 32 words).	

In subsection (a), the words “Federal service” are substituted for the words “service of the United States”. The words “where troops are on duty” are inserted for clarity. The words “for his command” are omitted, since they cast doubt on the right of a court-martial to try others than members of the command of the appointing authority. The words “air base, auxiliary air base”, “wing, group”, and “detached squadron” are inserted to clarify the applicability of the revised section to Air Force organizations. The words “convene” and “convened” are substituted for the words “appoint” and “appointed” to conform to 32:92 and similar provisions of section 823 of title 10 (article 23 of the Uniform Code of Military Justice). The words “when by the latter deemed advisable” are omitted as surplusage.

In subsection (b), the positive authority of a special court-martial to try any person subject to military law is omitted as covered by section 326 of this title.

In subsection (c), the words “for a single offense” are inserted for clarity.

CROSS REFERENCES

Uniform Code of Military Justice—  
 Generally, see section 801 et seq. of Title 10, Armed Forces.  
 Convening special courts-martial, see section 823 of Title 10.  
 Jurisdiction of special courts-martial, see section 819 of Title 10.  
 Sentences, generally, see sections 855 to 858a of Title 10.

**§ 329. Summary courts-martial of National Guard not in Federal service**

(a) In the National Guard not in Federal service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.

(b) A summary court-martial may sentence to a fine of not more than \$25 for a single offense, to forfeiture of pay and allowances, and to reduction of a noncommissioned officer to the ranks.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
329(a) .....	32:94 (words before 1st semi-colon of 1st sentence, and 1st 8 words of last sentence).	June 3, 1916, ch. 134, §105, 39 Stat. 208.
329(b) .....	32:94 (less words before 1st semicolon of 1st sentence, and less 1st 8 words of last sentence).	

In subsection (a), the words “Federal service” are substituted for the words “service of the United States” The words “where troops are on duty” and “commissioned” are inserted for clarity. The words “air base, auxiliary air base”, “wing, group”, and “detached squadron” are inserted to clarify the applicability of the revised section to Air Force organizations. The word “convene” is substituted for the word “appoint” to conform to 32:92 and similar provisions of section 824 of title 10 (article 24 of the Uniform Code of Military Justice). The word “corps”, referring to those corps covered by 32:192 and 193, is omitted as covered by the words “other detachment”. The words “who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations” are omitted as covered by section 326 of this title.

In subsection (b), the words “and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States” are omitted as covered by section 326 of this title.

CROSS REFERENCES

Uniform Code of Military Justice—  
 Generally, see section 801 et seq. of Title 10, Armed Forces.  
 Convening summary courts-martial, see section 824 of Title 10.  
 Jurisdiction of summary courts-martial, see section 820 of Title 10.  
 Sentences, generally, see sections 855 to 858a of Title 10.

**§ 330. Confinement instead of fine**

In the National Guard not in Federal service, a court-martial may, instead of imposing a fine,

sentence to confinement for not more than one day for each dollar of the authorized fine.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
330 .....	32:95.	June 3, 1916, ch. 134, §106, 39 Stat. 209.

The words “Federal service” are substituted for the words “service of the United States”. The words “including summary courts” and “authorized to be imposed” are omitted as surplusage. The words “may sentence \* \* \* to confinement not more than” are substituted for the words “shall have power to sentence to confinement \* \* \* *Provided*, That such sentences of confinement shall not exceed”.

**§ 331. Dismissal or dishonorable discharge**

In the National Guard not in Federal service, no sentence of dismissal or dishonorable discharge may be executed until it is approved by the Governor of the State or territory or Puerto Rico, whichever is concerned, or, in the case of the National Guard of the District of Columbia, by its commanding general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(b)(3), 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
331 .....	32:96.	June 3, 1916, ch. 134, §107, 39 Stat. 209.

The words “Federal service” are substituted for the words “service of the United States”. The words “from the service” and “imposed by a \* \* \* court-martial” are omitted as surplusage.

AMENDMENTS

1988—Pub. L. 100-456 substituted “the Governor of the State or territory or Puerto Rico,” for “the governor of the State or Territory, Puerto Rico, or the Canal Zone.”.

**§ 332. Compelling attendance of accused and witnesses**

In the National Guard not in Federal service, the president of a court-martial or a summary court officer may—

- (1) issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;
- (2) issue subpoenas duces tecum and other subpoenas;
- (3) enforce by attachment the attendance or witnesses and the production of books and papers; and
- (4) sentence for refusal to be sworn or to answer, as provided in actions before civil courts.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
332 .....	32:97 (1st par.).	June 3, 1916, ch. 134, §108, (1st par.), 39 Stat. 209.

The words “Federal service” are substituted for the words “service of the United States”. The word “may” is substituted for the words “shall have power”. The words “for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order” are substituted for the words “to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing \* \* \* a copy of the charge or charges having been delivered to the accused with such order”.

## CROSS REFERENCES

Apprehension and restraint of persons subject to Uniform Code of Military Justice, see sections 807 to 814 of Title 10, Armed Forces.

**§ 333. Execution of process and sentence**

In the National Guard not in Federal service, the processes and sentences of its courts-martial shall be executed by the civil officers prescribed by the laws of the States concerned. In a State where no provision is made for executing those processes and sentences, and in the Territories, Puerto Rico, and the District of Columbia, the process or sentence shall be executed by a United States marshal or deputy marshal, who shall make a return to the military officer issuing the process or the court imposing the sentence.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(b)(1), 102 Stat. 2059.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
333 .....	32:94 (less 1st par.).	June 3, 1916, ch. 134, § 108 (less 1st par.), 39 Stat. 209.

The words “In the National Guard not in Federal service \* \* \* its courts-martial” are substituted for the words “said courts”. The words “executing those processes and sentences” are substituted for the words “such action”. The words “deputy marshal” are substituted for the words “his duly appointed deputy”. The words “and it shall be the duty of any United States marshal to execute all such processes and sentences” are omitted as surplusage.

## AMENDMENTS

1988—Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

## CROSS REFERENCES

Apprehension and restraint of persons subject to Uniform Code of Military Justice, see sections 807 to 814 of Title 10, Armed Forces.

**[§ 334. Repealed. Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666]**

Section, added Pub. L. 94-464, § 2(b), Oct. 8, 1976, 90 Stat. 1986; amended Pub. L. 96-513, title V, § 515(3), Dec. 12, 1980, 94 Stat. 2937, provided for the payment of malpractice liability of National Guard Medical personnel. See sections 1089(a) of Title 10, Armed Forces, and 2671 of Title 28, Judiciary and Judicial Procedure.

## AMENDMENT AFTER REPEAL

Pub. L. 97-258, § 3(h)(1), Sept. 13, 1982, 96 Stat. 1065, purported to substitute “section 1304 of title 31” for “section 1302 of the Act of July 27, 1956, (31 U.S.C. 724a)” in subsec. (a) of section 334 of this title, without reference to the earlier repeal of that section by Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666.

## EFFECTIVE DATE OF REPEAL

Repeal effective only with respect to claims arising on or after Dec. 29, 1981, see section 4 of Pub. L. 97-124, set out as an Effective Date of 1981 Amendment note under section 1089 of Title 10, Armed Forces.

**[§ 335. Repealed. Pub. L. 98-525, title IV, § 414(b)(2)(A), Oct. 19, 1984, 98 Stat. 2519]**

Section, added Pub. L. 98-94, title V, § 504(b)(1), Sept. 24, 1983, 97 Stat. 632, related to status of certain members of the National Guard performing full-time duty.

## CHAPTER 5—TRAINING

Sec.	
501.	Training generally.
502.	Required drills and field exercises.
503.	Participation in field exercises.
504.	National Guard schools and small arms competitions.
505.	Army and Air Force schools and field exercises.
506.	Assignment and detail of members of Regular Army or Regular Air Force for instruction of National Guard.
507.	Instruction in firing; supply of ammunition.
508.	Assistance for certain youth and charitable organizations.

## AMENDMENTS

1994—Pub. L. 103-337, div. A, title III, § 385(b), Oct. 5, 1994, 108 Stat. 2742, added item 508.

**§ 501. Training generally**

(a) The discipline, including training, of the Army National Guard shall conform to that of the Army. The discipline, including training, of the Air National Guard shall conform to that of the Air Force.

(b) The training of the National Guard shall be conducted by the several States and Territories, Puerto Rico, and the District of Columbia in conformity with this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(b)(1), 102 Stat. 2059.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
501(a) .....	32:61 (1st 24 words).	June 3, 1916, ch. 134, § 91.
501(b) .....	32:61 (less 1st 24 words).	39 Stat. 206.

In subsection (a), the words “that of” are substituted for the words “the system which is or may be prescribed for”. The word “Army” is substituted for the words “Regular Army”, since the Army is the category for which the discipline and training is prescribed and the Regular Army is a personnel category for which no discipline and training is prescribed. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

## AMENDMENTS

1988—Subsec. (b). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

## PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES

Pub. L. 102-484, div. A, title III, § 376, Oct. 23, 1992, 106 Stat. 2385, as amended by Pub. L. 103-160, div. A, title III, § 365, Nov. 30, 1993, 107 Stat. 1629; Pub. L. 103-337, div. A, title III, § 384, Oct. 5, 1994, 108 Stat. 2741, provided that:

“(a) PILOT PROGRAM.—The Chief of the National Guard Bureau shall enter into an agreement, approved