

CROSS REFERENCES

Active Federal status, see sections 3495 and 8495 of Title 10, Armed Forces.

Appointments as reserve officers, see chapters 35, 337 and 837 of Title 10.

Army National Guard and Air National Guard in Federal service, call, see sections 3500 and 8500 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 3259, 3352, 8259 and 8352 of Title 10.

Transfer to upon withdrawal as member of Army National Guard or Air National Guard, see sections 3260 and 8260 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 263 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 715 of Title 10.

Status when not in Federal service, see sections 3079 and 8079 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, § 2, 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 section 323 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, § 2, 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, § 1, restated July 11, 1919, ch. (20th par. under "National Guard"); restated June 1920, ch. 227, subch. I, § 1; restated June 6, 1924, c. 275, § 4; restated June 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 enlistment 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

Amendment of section by Pub. L. 87-378 not effective with respect to any enlistment, reenlistment, or appointment entered into or made before Oct. 4, 1961, see section 6 of Pub. L. 87-378, set out as a note under section 3261 of Title 10, Armed Forces.

CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States, see sections 3261 and 8261 of Title 10, Armed Forces.

Service extension during war of members of Army and Air Force, see sections 3492 and 8492 of Title 10.

§ 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) Repealed. Pub. L. 87-649, § 14e(1), Sept. 7, 1962, 76 Stat. 502.

(d) 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, § 2, 70A Stat. 601; Sept. 7, 1962, Pub. L. 87-649, § 14e(1), 76 Stat. 502.)