

training school and a registered nurse. (Aug. 10, 1956, ch. 1041, § 2, 70A Stat. 602; Sept. 2, 1958, Pub. L. 85-861, § 2(5), 72 Stat. 1554; Nov. 8, 1967, Pub. L. 90-130, § 2(1), 81 Stat. 383.)

HISTORICAL AND REVISION NOTES

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".

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 the 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 as subsec. (a) what had formerly been the entire section 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 and sections 8365 and 8366 of Title 10, 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 appointment 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, § 2, 70A Stat. 602; Sept. 2, 1958, Pub. L. 85-861, § 2(6), 72 Stat. 1543.)

HISTORICAL AND REVISION NOTES

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