

covered promotion of officers in the Army Nurse Corps and the Army Medical Specialists Corps to colonel and lieutenant colonel, set out the requirements of officers on the promotion lists, and provided for the procedure to be followed in determining the order of promotion.

**[§§ 3305 to 3309. Repealed. Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]**

Section 3305, acts Aug. 10, 1956, ch. 1041, 70A Stat. 189; Aug. 21, 1957, Pub. L. 85-155, title I, §101(16), 71 Stat. 379; Nov. 8, 1967, Pub. L. 90-130, §1(10)(D), (E), 81 Stat. 375, related to promotion of officers in regular grade of lieutenant colonel to grade of colonel. See section 619 et seq. of this title.

Section 3306, act Aug. 10, 1956, ch. 1041, 70A Stat. 190, related to promotion of officers in regular grade of colonel to grade of brigadier general. See section 619 et seq. of this title.

Section 3307, act Aug. 10, 1956, ch. 1041, 70A Stat. 191, related to promotion of officers in regular grade of brigadier general to grade of major general. See section 619 et seq. of this title.

Section 3308, act Aug. 10, 1956, ch. 1041, 70A Stat. 192, related to effect of removal from recommended list by President of name of any promotion-list officer or brigadier general of Regular Army who in President's opinion is not qualified for promotion or who is not confirmed by Senate. See section 629 of this title.

Section 3309, act Aug. 10, 1956, ch. 1041, 70A Stat. 192, provided that President prescribe a system of physical examination for all commissioned officers of Regular Army in grades below brigadier general to determine their fitness for promotion in Regular Army. See section 624 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 3310. Warrant officers: original appointment; qualifications**

Original appointments as warrant officers in the Regular Army shall be made from persons who have served on active duty at least one year in the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 192.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i>  | <i>Source (Statutes at Large)</i>  |
|------------------------|--|--|
| 3310 .....             | 10:591.<br>[Uncodified: June 3, 1916, ch. 134, §4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, §4 (3d par., less 3d and last sentences), 41 Stat. 761]. | June 3, 1916, ch. 134, §4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, §4 (3d par., less 3d and last sentences), 41 Stat. 761.<br>Aug. 21, 1941, ch. 384, §2; restated May 29, 1954, ch. 249, §19(c), 68 Stat. 166. |

The first sentence of section 4a of the Act of June 3, 1916, cited above, is omitted as superseded by section 3213 of this title. The second sentence, less first nine words, of section 4a of that act, is omitted as superseded by 10:591.

**[§ 3311. Repealed. Pub. L. 95-485, title VIII, § 820(d)(4), Oct. 20, 1978, 92 Stat. 1627]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 192; Sept. 2, 1958, Pub. L. 85-861, §1(60), 72 Stat. 1462, provided that with the exception of those appointed as commissioned officers in Medical Corps, Dental Corps, Medical Service Corps, Veterinary Corps, Army Nurse Corps, or Army Medical Specialist Corps, women be appointed as commissioned officers in Regular Army only in Women's Army Corps.

**[§§ 3312 to 3314. Repealed. Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]**

Section 3312, act Aug. 10, 1956, ch. 1041, 70A Stat. 193, provided that an officer who is promoted in Regular Army is considered to have accepted his promotion on date of the order announcing it, unless he expressly declines it, without the need to take oath of office upon promotion if his service since last taking it has been continuous. See section 626 of this title.

Section 3313, act Aug. 10, 1956, ch. 1041, 70A Stat. 193, provided that in time of war or national emergency declared by Congress or President, President may suspend operation of provision of law relating to promotion, mandatory retirement, or separation of commissioned officers of the Regular Army. See section 123(a) and (b) of this title.

Section 3314, added Pub. L. 85-861, §1(79)(A), Sept. 2, 1958, 72 Stat. 1467, provided that promotion to a higher grade of a commissioned officer of Regular Army who is on a recommendation list awaiting promotion not be withheld or delayed because of original appointment of any other person to a commissioned grade in Regular Army and that this section does not apply to appointments in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 624 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[CHAPTER 337—REPEALED]**

**[§ 3351. Renumbered § 12211]**

**[§ 3352. Renumbered § 12213]**

**[§§ 3353, 3354. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(a)(1), Oct. 5, 1994, 108 Stat. 2963]**

Section 3353, added Pub. L. 85-861, §1(80)(B), Sept. 2, 1958, 72 Stat. 1468; amended Pub. L. 86-559, §1(8), June 30, 1960, 74 Stat. 265; Pub. L. 96-513, title II, §205(a), Dec. 12, 1980, 94 Stat. 2881; Pub. L. 97-22, §5(c), July 10, 1981, 95 Stat. 128; Pub. L. 98-94, title X, §1007(c)(3), Sept. 24, 1983, 97 Stat. 662; Pub. L. 100-180, div. A, title VII, §714(b), Dec. 4, 1987, 101 Stat. 1112; Pub. L. 103-160, div. A, title V, §509(b), Nov. 30, 1993, 107 Stat. 1647, related to service credit upon original appointment as reserve commissioned officer in Army. See section 12207 of this title.

Section 3354, acts Aug. 10, 1956, ch. 1041, 70A Stat. 194; Sept. 2, 1958, Pub. L. 85-861, §1(80)(C), 72 Stat. 1468, related to appointment of warrant officers and enlisted members of Army National Guard of United States as reserve officers.

EFFECTIVE DATE OF REPEAL

Repeal 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 this title.

**[§ 3355. Repealed. Pub. L. 88-647, title III, § 301(5), Oct. 13, 1964, 78 Stat. 1071]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 194; Sept. 2, 1958, Pub. L. 85-861, §33(a)(22), 72 Stat. 1565, related to appointment of graduates of Reserve Officers' Training Corps as reserve commissioned officers. See section 2106 of this title.

**[§§ 3357 to 3390. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(a)(1), Oct. 5, 1994, 108 Stat. 2963]**

Section 3357, acts Aug. 10, 1956, ch. 1041, 70A Stat. 194; Sept. 2, 1958, Pub. L. 85-861, §1(60), (80)(D), 72 Stat. 1462,

1468, related to eligibility for appointment as reserve officer for service in Army Reserve in Army Nurse Corps or Army Medical Specialist Corps.

Section 3359, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1469; amended Pub. L. 98-94, title X, §1014(a), Sept. 24, 1983, 97 Stat. 666; Pub. L. 98-525, title V, §521(a), Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99-145, title V, §521(a), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100-180, div. A, title V, §502(a), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101-189, div. A, title V, §503(a), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102-484, div. A, title V, §519(a), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103-160, div. A, title V, §514(a), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104-106, div. A, title V, §511(a), Feb. 10, 1996, 110 Stat. 298, related to determination of grade upon original appointment as reserve officer of Army. See section 12201 et seq. of this title.

Section 3360, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1469; amended Pub. L. 86-559, §1(9), June 30, 1960, 74 Stat. 266; Pub. L. 96-513, title V, §§502(10), 512(4), Dec. 12, 1980, 94 Stat. 2910, 2929; Pub. L. 98-94, title X, §1016(b), Sept. 24, 1983, 97 Stat. 668, related to service required for promotion of Reserve commissioned officers. See section 14001 et seq. of this title.

Section 3362, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1470; amended Pub. L. 86-559, §1(10), June 30, 1960, 74 Stat. 266, related to convening of selection boards to consider Reserve commissioned officers for promotion. See section 14101 et seq. of this title.

Section 3363, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1470; amended Pub. L. 86-559, §1(11), June 30, 1960, 74 Stat. 266; Pub. L. 95-485, title VIII, §820(e)(1), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to requirements and procedures for promotion of officers in reserve grades. See section 14301 et seq. of this title.

Section 3364, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1471; amended Pub. L. 86-559, §1(12), June 30, 1960, 74 Stat. 266; Pub. L. 95-485, title VIII, §820(e)(2)-(4), Oct. 20, 1978, 92 Stat. 1627; Pub. L. 98-525, title V, §512, Oct. 19, 1984, 98 Stat. 2521; Pub. L. 100-456, div. A, title XII, §1234(a)(4), Sept. 29, 1988, 102 Stat. 2059, related to commissioned reserve officers' selection for promotion, order of promotion, zone of consideration lists, and declinations of promotion. See section 14301 et seq. of this title.

Section 3365, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1472, related to promotion of second lieutenants of Army Reserve. See section 14301 et seq. of this title.

Section 3366, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1472; amended Pub. L. 86-559, §1(13), June 30, 1960, 74 Stat. 267; Pub. L. 90-130, §1(11)(A), Nov. 8, 1967, 81 Stat. 375, related to promotion of first lieutenants, captains, and majors of Army Reserve or Army National Guard of United States. See section 14301 et seq. of this title.

Section 3367, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1473; amended Pub. L. 86-559, §1(14), June 30, 1960, 74 Stat. 268; Pub. L. 90-130, §1(11)(B), Nov. 8, 1967, 81 Stat. 375, related to promotion of first lieutenants, captains, and majors of Army Reserve to fill vacancies. See section 14301 et seq. of this title.

Section 3368, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474, related to second consideration for promotion of first lieutenants, captains, and majors of Army Reserve. See section 14301 et seq. of this title.

Section 3369, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474, related to first promotion of reserve officers not assigned to unit after transfer from unit or from Army National Guard of United States.

Section 3370, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1474; amended Pub. L. 86-559, §1(15), June 30, 1960, 74 Stat. 269; Nov. 8, 1967, Pub. L. 90-130, §1(11)(C), (D), 81 Stat. 375; Pub. L. 100-456, div. A, title XII, §1234(a)(5), Sept. 29, 1988, 102 Stat. 2059, related to promotion of officers to grade of colonel to fill vacancies. See section 14301 et seq. of this title.

Section 3371, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1475, related to promotion of brigadier

generals and colonels not assigned to units. See section 14301 et seq. of this title.

Section 3375, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1475, related to transfer or discharge of reserve generals ceasing to occupy commensurate positions. See section 14314(a) of this title.

Section 3378, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476, related to promotion of reserve commissioned officers removed from active status. See section 14317(a) of this title.

Section 3380, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476; amended Pub. L. 98-94, title X, §1015(a)(1), Sept. 24, 1983, 97 Stat. 667; Pub. L. 99-145, title V, §521(b), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100-180, div. A, title V, §502(b)(1), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101-189, div. A, title V, §503(b)(1), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102-484, div. A, title V, §519(b), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103-160, div. A, title V, §514(b), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104-106, div. A, title V, §511(b), Feb. 10, 1996, 110 Stat. 298, related to promotion of reserve commissioned officers on active duty and not on the active duty list. See section 14311(e) of this title.

Section 3382, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1476, related to promotion of second lieutenants of Army Reserve assigned to units. See section 14301 et seq. of this title.

Section 3383, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477; amended Pub. L. 86-559, §1(16), June 30, 1960, 74 Stat. 270; Pub. L. 88-620, §2, Oct. 3, 1964, 78 Stat. 999; Pub. L. 90-130, §1(11)(E), Nov. 8, 1967, 81 Stat. 376; Pub. L. 95-485, title VIII, §820(e)(5), Oct. 20, 1978, 92 Stat. 1627, related to promotion of officers of Army Reserve to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies. See section 14301 et seq. of this title.

Section 3384, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477, related to promotion of officers of Army Reserve to grades of brigadier general or major general to fill vacancies. See section 14315 of this title.

Section 3385, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1477, related to promotion of officers of Army National Guard of United States upon Federal recognition. See section 14308(f) of this title.

Section 3386, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478, related to promotion of reserve commissioned officers upon release from active duty. See section 14301 et seq. of this title.

Section 3388, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478, related to effect of commissioned officer of Army Reserve entering upon active duty while eligible for promotion. See section 14301 et seq. of this title.

Section 3389, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478; amended Pub. L. 86-559, §1(17), June 30, 1960, 74 Stat. 270, related to promotion of commissioned officers of Army Reserve or Army National Guard of United States to higher reserve grades after temporary appointments. See section 14301 et seq. of this title.

Section 3390, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1478; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to procedure for promotion to higher reserve grade of officer of Army National Guard of United States after temporary appointment. See section 14301 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal 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 this title.

#### **[§ 3391. Repealed. Pub. L. 90-130, §1(11)(F), Nov. 8, 1967, 81 Stat. 376]**

Section, added Pub. L. 85-861, §1(80)(E), Sept. 2, 1958, 72 Stat. 1479; Pub. L. 86-559, §1(18), June 30, 1960, 74 Stat. 270, prohibited promotion of reserve officers of Army Nurse Corps or Army Medical Specialist Corps to