

In subsection (b), the words “appointment as a Reserve” are substituted for the words “appointment or * * * as a Reserve officer or”. The words “whose Federal recognition as a member * * * is withdrawn” are substituted for the words “ceases to hold a status as a federally recognized member”.

1962 ACT

The change reflects the implied repeal of the second sentence of section 8352(a) by section 502(a) of the Reserve Officer Personnel Act of 1954 (68 Stat. 1172).

AMENDMENTS

1996—Pub. L. 104-106 inserted “the” after “National Guard of” in section catchline.

1994—Pub. L. 103-337, § 1662(c)(3), renumbered section 8352 of this title as this section.

Subsec. (a). Pub. L. 103-337, § 1675(b)(2), struck out “or Territory, Puerto Rico, or the District of Columbia, whichever is” after “authority of the State”.

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

1962—Subsec. (a). Pub. L. 87-651 struck out sentence which provided that upon transfer, an officer is eligible for promotion to the highest regular or reserve grade ever held by him in the Air Force, if his service has been honorable.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

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 this title.

§ 12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.

(Added Pub. L. 103-337, div. A, title XVI, § 1662(c)(1), Oct. 5, 1994, 108 Stat. 2990.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3392 and 8392 of this title, prior to repeal by Pub. L. 103-337, § 1629(a)(1), (c)(1).

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

CHAPTER 1207—WARRANT OFFICERS

Sec.	
12241.	Warrant officers: grades; appointment, how made; term.
12242.	Warrant officers: promotion.
12243.	Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency.

Sec.	
12244.	Warrant officers: discharge or retirement for years of service or for age.

AMENDMENTS

2001—Pub. L. 107-107, div. A, title V, § 517(e)(2), Dec. 28, 2001, 115 Stat. 1095, added item 12244.

1996—Pub. L. 104-106, div. A, title XV, § 1501(b)(15), Feb. 10, 1996, 110 Stat. 496, substituted “promotion” for “promotions” in item 12243.

§ 12241. Warrant officers: grades; appointment, how made; term

(a) The permanent reserve warrant officer grades in each armed force are those prescribed for regular warrant officers by section 571(a) of this title.

(b) Appointments in permanent reserve warrant officer grades shall be made in the same manner as is prescribed for regular warrant officer grades by section 571(b) of this title.

(c) Appointments as Reserves in permanent warrant officer grades are for an indefinite term and are held during the pleasure of the Secretary concerned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 26, § 597; Pub. L. 99-145, title V, § 531(b), Nov. 8, 1985, 99 Stat. 633; Pub. L. 102-190, div. A, title XI, § 1131(2), Dec. 5, 1991, 105 Stat. 1505; renumbered § 12241, Pub. L. 103-337, div. A, title XVI, § 1662(d)(2), Oct. 5, 1994, 108 Stat. 2991; Pub. L. 111-383, div. A, title V, § 502(b), Jan. 7, 2011, 124 Stat. 4207.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
597(a)	10:600a(a) (less 3d and last sentences, as applicable to permanent reserve appointments). 34:135a(a) (less last sentence, as applicable to permanent reserve appointments).	May 29, 1954, ch. 249, §§ 3(a) (less last sentence, as applicable to permanent reserve appointments), 5(a) (last sentence, as applicable to permanent reserve appointments), 68 Stat. 157, 159.
597(b)	10:600a(a) (3d sentence, as applicable to permanent reserve appointments). 10:600c(a) (last sentence, as applicable to permanent reserve appointments). 34:135a(a) (last sentence, as applicable to permanent reserve appointments). 34:135c(a) (last sentence, as applicable to permanent reserve appointments). 50:944. 50:947.	July 9, 1952, ch. 608, §§ 220, 223, 224 (less 3d and 4th sentences, and less applicability to commissioned officers), 66 Stat. 487.
597(c)	50:948 (less 3d and 4th sentences, and less applicability to commissioned officers).	

In subsection (b), the words “W-4, W-3, and W-2” and “persons” are omitted as surplusage.

In subsection (c), the words “After July 9, 1952” are omitted as executed. 50:948 (2d and last sentence) is omitted as executed.

AMENDMENTS

2011—Subsec. (b). Pub. L. 111-383 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Appointments made in the permanent reserve grade of warrant officer, W-1, shall be made by warrant by the Secretary concerned. Appointments made in a permanent reserve grade of chief warrant officer shall be made by commission by the Secretary concerned.”

1994—Pub. L. 103-337 renumbered section 597 of this title as this section.

1991—Subsec. (a). Pub. L. 102-190 substituted “section 571(a)” for “section 555(a)”.

1985—Subsec. (b). Pub. L. 99-145 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Reserve chief warrant officers of the Army and the Air Force shall be appointed in those grades, by warrant, by the Secretary concerned. Permanent reserve chief warrant officers of the Navy, Marine Corps, and Coast Guard shall be appointed in those grades, by commission, by the Secretary concerned. Permanent reserve warrant officers, W-1, shall be appointed in those grades, by warrant, by the Secretary concerned.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title V, § 531(d), Nov. 8, 1985, 99 Stat. 633, provided that: “This section [amending this section and section 555 of this title and enacting provisions set out below] takes effect six months after the date of the enactment of this Act [Nov. 8, 1985].”

TRANSITION PROVISIONS FOR 1985 AMENDMENT

Pub. L. 99-145, title V, § 531(c), Nov. 8, 1985, 99 Stat. 633, provided that:

“(1) The amendments made by subsections (a) and (b) [amending this section and section 555 of this title] apply to any appointment of a warrant officer or chief warrant officer on or after the effective date of this section [see Effective Date of 1985 Amendment note above].

“(2) An officer who on the effective date of this section is serving in a chief warrant officer grade under an appointment by warrant may be appointed in that grade by commission under section 555(b) or 597(b) [now 12241(b)] of title 10, United States Code, as appropriate. The date of rank of an officer who receives an appointment under this paragraph is the date of rank for the officer’s appointment by warrant to that grade.”

PRESIDENTIAL FUNCTIONS

Pub. L. 111-383, div. A, title V, § 502(c), Jan. 7, 2011, 124 Stat. 4207, provided that: “Except as otherwise provided by the President by Executive order, the provisions of Executive Order 13384 (10 U.S.C. 531 note) relating to the functions of the President under the second sentence of section 571(b) of title 10, United States Code, shall apply in the same manner to the functions of the President under section 12241(b) of title 10, United States Code.”

§ 12242. Warrant officers: promotion

The promotion of permanent reserve warrant officers not on the warrant officer active-duty list to permanent reserve warrant officer grades shall be governed by such regulations as the Secretary concerned may prescribe.

(Aug. 10, 1956, ch. 1041, 70A Stat. 26, § 598; Pub. L. 102-190, div. A, title XI, § 1131(3), Dec. 5, 1991, 105 Stat. 1505; renumbered § 12242, Pub. L. 103-337, div. A, title XVI, § 1662(d)(2), Oct. 5, 1994, 108 Stat. 2991.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
598	10:600e (last sentence, less applicability to temporary promotions). 34:330 (last sentence, less applicability to temporary promotions).	May 29, 1954, ch. 249, § 7 (last sentence, less applicability to temporary promotions), 68 Stat. 159.

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 598 of this title as this section.

1991—Pub. L. 102-190 inserted “not on the warrant officer active-duty list” after “reserve warrant officers”.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

§ 12243. Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency

In time of war, or of emergency declared after May 29, 1954, by Congress or the President, the President may suspend the operation of any provision of law relating to promotion, or mandatory retirement or separation, of permanent reserve warrant officers of any armed force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 26, § 599; renumbered § 12243, Pub. L. 103-337, div. A, title XVI, § 1662(d)(2), Oct. 5, 1994, 108 Stat. 2991.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
599	10:600p (as applicable to reserve warrant officers). 34:330g (as applicable to reserve warrant officers). 34:430d (as applicable to reserve warrant officers).	May 29, 1954, ch. 249, § 18 (as applicable to reserve warrant officers), 68 Stat. 165.

The word “may” is substituted for the words “is authorized, in his discretion”. The words “any provision of law” are substituted for the words “all or any part or parts of the several provisions of law”.

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 599 of this title as this section.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of Defense, see section 1(4) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 12244. Warrant officers: discharge or retirement for years of service or for age

Each reserve warrant officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

(1) be transferred to the Retired Reserve if the warrant officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(2) be discharged if the warrant officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(Added Pub. L. 107-107, div. A, title V, § 517(e)(1), Dec. 28, 2001, 115 Stat. 1095.)

EFFECTIVE DATE

Section effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see