

Subsec. (a). Pub. L. 104-106, §1501(b)(14), substituted “section 12203” for “section 593” in last sentence.

1994—Pub. L. 103-337, §1662(c)(3), renumbered section 3352 of this title as this section.

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

Pub. L. 103-337, §1636(a), struck out at end “Notwithstanding any other provision of this chapter or section 12203 of this title, an officer who is transferred under this section shall be advanced to the highest temporary, regular, or reserve grade ever held by him in the Army, unless the Secretary determines that it is not in the best interests of the service.”

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

1960—Subsec. (a). Pub. L. 86-559 authorized officers transferred under this section to be advanced to the highest temporary grade ever held in the Army.

1958—Subsec. (a). Pub. L. 85-861 substituted “Notwithstanding any other provision of this chapter or section 593 of this title, an officer who is transferred under this section shall be advanced to the highest regular or reserve grade ever held by him in the Army, unless the Secretary determines that it is not in the best interests of the service” for “Upon transfer, he is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, 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 AMENDMENTS

Pub. L. 104-106, div. A, title XV, §1501(f)(1), Feb. 10, 1996, 110 Stat. 501, provided that: “Section 1636 of the Reserve Officer Personnel Management Act [Pub. L. 103-337, amending this section and repealing sections 8356 and 8379 of this title] shall take effect on the date of the enactment of this Act [Feb. 10, 1996].”

Amendment by sections 1662(c)(3) and 1675(b)(2) of 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.

§ 12214. Officers; Air Force Reserve: transfer from Air National Guard of the United States

(a) Under such regulations as the Secretary of the Air Force may prescribe, and with the consent of the governor or other appropriate authority of the State concerned, an officer of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

(b) Unless discharged from his appointment as a Reserve, an officer of the Air National Guard of the United States whose Federal recognition as a member of the Air National Guard is withdrawn becomes a member of the Air Force Reserve. An officer who so becomes a member of the Air Force Reserve ceases to be a member of the Air National Guard of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 520, §8352; Pub. L. 87-651, title I, §126, Sept. 7, 1962, 76 Stat. 514; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; renumbered §12214 and amended Pub. L. 103-337, div. A, title XVI, §§1662(c)(3), 1675(b)(2), Oct. 5, 1994, 108 Stat. 2990, 3017; Pub. L. 104-106, div. A, title XV, §1501(b)(13)(A), Feb. 10, 1996, 110 Stat. 496.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8352(a)	50:1116 (less last 15 words of 1st sentence, and less applicability to enlistments).	July 9, 1952, ch. 608, §§706 (less last 15 words of 1st sentence, and less applicability to enlistments), 707 (less applicability to enlistments), 66 Stat. 503.
8352(b)	50:1117 (less applicability to enlistments).	

In subsection (a), the words “at any time”, “of any person”, and “from the National Guard of the United States or from the Air National Guard of the United States” are omitted as surplusage. The words “highest regular or reserve grade ever held by him in the Air Force” are substituted for the words “highest permanent grade previously held in * * * the Air Force or any component thereof”, since “permanent” grades are held only in a component and there are no “nonpermanent” grades held in a component.

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.
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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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).	July 9, 1952, ch. 608, §§ 220, 223, 224 (less 3d and 4th sentences, and less applicability to commissioned officers), 66 Stat. 487.
597(c)	50:944. 50:947.	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	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.”