

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 The words “whose Federal recognition as a member \* \* \* is withdrawn” are substituted for the words “ceases to hold a status as a federally recognized member”.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

| 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).<br>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).<br>10:600c(a) (last sentence, as applicable to permanent reserve appointments).<br>34:135a(a) (last sentence, as applicable to permanent reserve appointments).<br>34:135c(a) (last sentence, as applicable to permanent reserve appointments).<br>50:944. | July 9, 1952, ch. 608, §§ 220, 223, 224 (less 3d and 4th sentences, and less applicability to commissioned officers), 66 Stat. 487.   |
| 597(c) .....    | 50:947.   |   |