

1991, 105 Stat. 1506; renumbered §8112, Pub. L. 115-232, div. A, title VIII, §807(b)(2), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5502	34 U.S.C. 651. 34 U.S.C. 629. 34 U.S.C. 623b(a) (as applicable to grade of lieutenant general). 34 U.S.C. 622 (as applicable to grade of general).	R.S. 1603. July 1, 1918, ch. 114, 40 Stat. 715 (1st par.). Aug. 7, 1947, ch. 512, §415(a) (as applicable to grade of lieutenant general), 61 Stat. 876. Jan. 20, 1942, ch. 10, §1, 56 Stat. 10; Aug. 7, 1947, ch. 512, §429 (as applicable to grade of general), 61 Stat. 880.

R.S. 1603 provides that officers of the Marine Corps shall be on the same footing as officers of similar grades in the Army. Recognition is made of the grades existing in the Army for the purpose of listing the grades authorized for the Marine Corps.

The provisions of the Act of July 1, 1918, ch. 114, 40 Stat. 715 (1st par.), pertaining to the appointment of a major general in addition to the Major General Commandant and a temporary major general were superseded by the Act of May 29, 1934, ch. 367, §2, 48 Stat. 812, which in turn was repealed by §436(e) of the Officer Personnel Act of 1947, 61 Stat. 882.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5502 of this title as this section.

1991—Pub. L. 102-190 substituted “W-5” for “W-4” in section catchline and text.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

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.

§ 8113. Navy and Marine Corps: warrant officer grades

The warrant officer grades in the Navy and the Marine Corps are:

- (1) Chief warrant officer, W-5.
- (2) Chief warrant officer, W-4.
- (3) Chief warrant officer, W-3.
- (4) Chief warrant officer, W-2.
- (5) Warrant officer, W-1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 314, §5503; Pub. L. 102-190, div. A, title XI, §1131(9), Dec. 5, 1991, 105 Stat. 1506; renumbered §8113, Pub. L. 115-232, div. A, title VIII, §807(b)(2), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5503	34 U.S.C. 135a(a) (less last sentence).	May 29, 1954, ch. 249, §3(a) (less 3d and last sentence), 68 Stat. 157.

This section is included in subtitle C for completeness and clarity. In duplicates, in part, §§555 and 597 of this title, which cover, respectively, the “permanent regular warrant officer grades” and the “permanent reserve warrant officer grades” in the armed forces. The

concept that regular grades differ from reserve grades and that a grade held under a permanent appointment differs from the grade of the same name held under a temporary appointment is foreign to the naval service. In the Navy and the Marine Corps, all officers serving, for example, in the grade of chief warrant officer, W-4, are considered to be serving in the same grade regardless of whether they are Regulars or Reserves and regardless of whether they are temporary or permanent officers holding temporary or permanent appointments in that grade. This section, therefore, lists the four warrant officer grades as applicable to all warrant officers of the naval service.

Reference to the pay grades corresponding to the military grades is omitted as unnecessary for the purpose of this section.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5503 of this title as this section.

1991—Pub. L. 102-190 added par. (1) and redesignated former pars. (1) to (4) as (2) to (5), respectively.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

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.

§ 8118. Rank of line and staff corps officers of the Navy and officers of the Marine Corps

Except for an officer entitled to a rank higher than his grade, line and staff corps officers of the Navy serving in the same grade and officers of the Marine Corps serving in the corresponding grade rank among themselves according to their respective dates of rank in grade whether or not they are on an active-duty list.

(Aug. 10, 1956, ch. 1041, 70A Stat. 317, §5508; Pub. L. 90-179, §4, Dec. 8, 1967, 81 Stat. 547; Pub. L. 96-513, title V, §503(27), Dec. 12, 1980, 94 Stat. 2913; renumbered §8118, Pub. L. 115-232, div. A, title VIII, §807(b)(2), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5508	34 U.S.C. 306f(d)(2).	Aug. 7, 1947, ch. 512, §311(d)(2), 61 Stat. 852; Aug. 5, 1949, ch. 402, §1(c), 63 Stat. 568.

The word “rank” is substituted for the words “take precedence” throughout the section for uniformity of expression.

In subsection (a) the first sentence is broadened to include officers of the Marine Corps and officers not on a lineal list. Inclusion of the Marine Corps is possible because the sentence reflects the rule referred to by the Attorney General (25 Op. Atty. Gen. 517) as “an unwritten law of the Army and Navy” as to relative rank between officers in different services. Officers not on a lineal list may properly be included since the statement is consistent with the provisions for assigning lineal position to such officers when they become entitled to be placed on a list.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5508 of this title as this section.