

“(2) has retained a permanent enlisted status, shall, while continuing on active duty, retain such temporary status and grade. Such an officer shall be considered for promotion to a higher warrant officer grade under this title [see Short Title note above] as if that temporary grade is a permanent grade. If the officer is recommended for promotion, the officer’s appointment to that grade shall be a temporary appointment.

“SEC. 1124. SAVINGS PROVISION FOR CERTAIN REGULAR ARMY WARRANT OFFICERS FACING MANDATORY RETIREMENT FOR LENGTH OF SERVICE.

“(a) SAVINGS PROVISION.—Subject to subsection (b), a regular warrant officer of the Army who on the effective date of this title [Feb. 1, 1992]—

“(1) is a permanent regular chief warrant officer; or

“(2) is on a list of officers recommended for promotion to a regular chief warrant officer grade, may be retained on active duty until he completes 30 years of active service or 24 years of active warrant officer service, whichever is later, that could be credited to him under section 511 of the Career Compensation Act of 1949 (70 Stat. 114) [act Oct. 12, 1949, formerly set out as a note under section 580 of this title] (as in effect on the day before the effective date of this part [Feb. 1, 1992]), and then be retired under the appropriate provision of title 10, United States Code, on the first day of the month after the month in which he completes that service.

“(b) EXCEPTIONS.—Subsection (a) does not apply to a regular warrant officer who—

“(1) is sooner retired or separated under another provision of law;

“(2) is promoted to the regular grade of chief warrant officer, W-5; or

“(3) is continued on active duty under section 580(e) of title 10, United States Code, as added by this title.”

ESTABLISHMENT OF PERMANENT GRADE OF CHIEF WARRANT OFFICER, W-5

Pub. L. 103-337, div. A, title V, §541(a)(1), Oct. 5, 1994, 108 Stat. 2764, provided that: “The grade of chief warrant officer, W-5, is hereby established in the Coast Guard.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

Pub. L. 102-190, div. A, title XI, §1111(a), Dec. 5, 1991, 105 Stat. 1491, provided that: “The grade of chief warrant officer, W-5, is hereby established in the Army, Navy, Air Force, and Marine Corps.”

Executive Documents

DELEGATION OF FUNCTIONS

Authority of President under subsec. (b) of this section to appoint by commission regular chief warrant officers and reserve chief warrant officers in the Coast Guard delegated to Secretary of Homeland Security by Ex. Ord. No. 14106, §1(g), (h), Aug. 14, 2023, 88 F.R. 55905, set out in a note under section 2101 of Title 14, Coast Guard.

Functions of President under second sentence of subsec. (b) of this section delegated to Secretary of Defense by section 1(b) of Ex. Ord. No. 13384, July 27, 2005, 70 F.R. 43739, set out as a note under section 531 of this title.

§ 572. Warrant officers: original appointment; service credit

(a) For the purposes of promotion, persons originally appointed in regular or reserve war-

rant officer grades shall be credited with such service as the Secretary concerned may prescribe. However, such a person may not be credited with a period of service greater than the period of active service performed in the grade, or pay grade corresponding to the grade, in which so appointed, or in any higher grade or pay grade.

(b) The Secretary concerned shall credit a person who is receiving an original appointment as a warrant officer in the regular component of an armed force under the jurisdiction of such Secretary concerned, and who has advanced education or training or special experience, with constructive service for such education, training, or experience, as follows:

(1) For special training or experience in a particular warrant officer field designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned, as determined by such Secretary concerned.

(2) For advanced education in a warrant officer field designated by the Secretary concerned, if such education is directly related to the operational needs of the armed force concerned, as determined by such Secretary concerned.

(Added Pub. L. 102-190, div. A, title XI, §1112(a), Dec. 5, 1991, 105 Stat. 1493; amended Pub. L. 117-263, div. A, title V, §507(a), Dec. 23, 2022, 136 Stat. 2558.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 556 of this title prior to repeal by Pub. L. 102-190, §1112(a).

AMENDMENTS

2022—Pub. L. 117-263 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as an Effective Date of 1991 Amendment note under section 521 of this title.

§ 573. Convening of selection boards

(a)(1) Whenever the Secretary concerned determines that the needs of the service so require, he shall convene a selection board to recommend for promotion to the next higher warrant officer grade warrant officers on the warrant officer active-duty list who are in the grade of chief warrant officer, W-2, chief warrant officer, W-3, or chief warrant officer, W-4.

(2) Warrant officers serving on the warrant officer active-duty list in the grade of warrant officer, W-1, shall be promoted to the grade of chief warrant officer, W-2, in accordance with regulations prescribed by the Secretary concerned. Such regulations shall require that an officer have served not less than 18 months on active duty in the grade of warrant officer, W-1, before promotion to the grade of warrant officer, W-2.

(b) A selection board shall consist of five or more officers who are on the active-duty list of