

L. 106-65, div. A, title V, §505, Oct. 5, 1999, 113 Stat. 591; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 117-263, div. A, title V, §508(a), Dec. 23, 2022, 136 Stat. 2559.)

Editorial Notes

AMENDMENTS

2022—Subsecs. (e), (f). Pub. L. 117-263 added subsecs. (e) and (f).

2002—Subsec. (b)(2). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1999—Subsec. (b)(2). Pub. L. 106-65 inserted at end “If the number determined under this subsection with respect to a promotion zone within a grade (or grade and competitive category) is less than one, the board may recommend one such officer for promotion from below the zone within that grade (or grade and competitive category).”

1996—Subsec. (b)(1). Pub. L. 104-201 inserted “chief warrant officer, W-3,” after “promotion to the grade of” in first sentence.

1994—Subsec. (b)(2). Pub. L. 103-337, §541(b)(3), inserted “and the Secretary of Transportation, when the Coast Guard is not operating as a service in the Navy,” after “Secretary of Defense”.

Subsec. (d). Pub. L. 103-337, §501(a), inserted “(except for a warrant officer precluded from consideration under regulations prescribed by the Secretary concerned under section 577 of this title)” after “under consideration”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 541(b)(3) of Pub. L. 103-337 effective on the first day of the fourth month beginning after Oct. 5, 1994, see section 541(h) of Pub. L. 103-337, set out as a note under section 571 of this title.

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.

§ 576. Information to be furnished to selection boards; selection procedures

(a) The Secretary concerned shall furnish to each selection board convened under section 573 of this title the following:

(1) The maximum number of warrant officers that may be recommended for promotion from those serving in any grade (or grade and competitive category) to be considered, as determined in accordance with section 574 of this title.

(2) The names and pertinent records of all officers in each grade (or grade and competitive category) to be considered.

(3) Such information or guidelines relating to the needs of the armed force concerned for warrant officers having particular skills, including guidelines or information relating to the need for either a minimum number or a maximum number of officers with particular skills within a grade or competitive category, as the Secretary concerned determines to be relevant in relation to the requirements of that armed force.

(b) From each promotion zone for a grade (or grade and competitive category), the selection board shall recommend for promotion to the next higher warrant officer grade those warrant officers whom it considers best qualified for promotion, but no more than the number specified by the Secretary concerned.

(c) The names of warrant officers selected for promotion under this section shall be arranged in the report of such board in the following order of priority:

(1) Warrant officers recommended under section 575(e) of this title to be placed higher on the promotion list, in the order in which the board determines.

(2) Warrant officers otherwise recommended for promotion, in the order of seniority on the warrant officer active-duty list.

(d) Under such regulations as the Secretary concerned may prescribe, the selection board shall report the names of those warrant officers considered by it whose records establish, in its opinion, their unfitness or unsatisfactory performance. A regular warrant officer whose name is so reported shall be considered, under regulations provided by the Secretary concerned, for retirement or separation under section 1166 of this title.

(e) The report of the selection board shall be submitted to the Secretary concerned. The Secretary may approve or disapprove all or part of the report.

(f)(1) Upon receipt of the report of a selection board submitted to him under subsection (e), the Secretary concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under this section.

(2) If, on the basis of a review of the report under paragraph (1), the Secretary concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under this section, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this paragraph, the selection board (or a subsequent selection board convened under section 573 of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with subsection (e).

(Added Pub. L. 102-190, div. A, title XI, §1112(a), Dec. 5, 1991, 105 Stat. 1496; amended Pub. L. 103-337, div. A, title V, §§501(b), 541(b)(4), Oct. 5, 1994, 108 Stat. 2748, 2764; Pub. L. 117-263, div. A, title V, §508(b), Dec. 23, 2022, 136 Stat. 2560.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 560 of this title prior to repeal by Pub. L. 102-190, §1112(a).

AMENDMENTS

2022—Subsec. (c). Pub. L. 117-263 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as fol-

lows: “The names of warrant officers selected for promotion under this section shall be arranged in the board’s report in order of the seniority on the warrant officer active-duty list.”

1994—Subsec. (a). Pub. L. 103–337, § 541(b)(4)(A), struck out “of the military department” after “The Secretary” in introductory provisions.

Subsec. (e). Pub. L. 103–337, § 541(b)(4)(B), struck out “of the military department” after “submitted to the Secretary”.

Subsec. (f)(1). Pub. L. 103–337, § 501(b), struck out after first sentence “Following such review, unless the Secretary concerned makes a determination as described in paragraph (2), the Secretary shall submit the report as required by subsection (e).”

Subsec. (f)(2). Pub. L. 103–337, § 541(b)(4)(C), struck out “of the military department” after “paragraph (1), the Secretary”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 541(b)(4) of Pub. L. 103–337 effective on the first day of the fourth month beginning after Oct. 5, 1994, see section 541(h) of Pub. L. 103–337, set out as a note under section 571 of this title.

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.

§ 577. Promotions: effect of failure of selection for

A warrant officer who has been considered for promotion by a selection board convened under section 573 of this title, but not selected, shall be considered for promotion by each subsequent selection board that considers officers in his grade (or grade and competitive category) until he is retired or separated or he is selected for promotion. However, the Secretary concerned may, by regulation, preclude from consideration by a selection board by which he would otherwise be eligible to be considered, a warrant officer who has an established separation date that is within 90 days after the date on which the board is convened or an approved retirement date.

(Added Pub. L. 102–190, div. A, title XI, § 1112(a), Dec. 5, 1991, 105 Stat. 1497; amended Pub. L. 118–159, div. A, title V, § 503(a), Dec. 23, 2024, 138 Stat. 1868.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 561 of this title prior to repeal by Pub. L. 102–190, § 1112(a).

AMENDMENTS

2024—Pub. L. 118–159 inserted “or an approved retirement date” after “an established separation date that is within 90 days after the date on which the board is convened”.

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.

§ 578. Promotions: how made; effective date

(a) When the report of a selection board convened under this chapter is approved by the Sec-

retary concerned, the Secretary shall place the names of the warrant officers approved for promotion on a single promotion list for each grade (or grade and competitive category), in the order set forth in section 576(c) of this title.

(b) Promotions of warrant officers on the warrant officer promotion list shall be made when, in accordance with regulations issued by the Secretary concerned, additional warrant officers in that grade (or grade and competitive category), are needed.

(c) A regular warrant officer who is promoted is appointed in the regular grade to which promoted, and a reserve warrant officer who is promoted is appointed in the reserve grade to which promoted. The date of appointment in that grade and date of rank shall be prescribed by the Secretary concerned. A warrant officer is entitled to the pay and allowances for the grade to which appointed from the date specified in the appointment order.

(d) Promotions shall be made in the order in which the names of warrant officers appear on the promotion list and after warrant officers previously selected for promotion in the applicable grade (or grade and competitive category) have been promoted.

(e) A warrant officer who is appointed to a higher grade under this section is considered to have accepted such appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

(f) A warrant officer who has served continuously as an officer since subscribing to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.

(g) Notwithstanding subsection (d), and subject to regulations prescribed by the Secretary of Defense, in the case of a warrant officer who is selected for promotion by a selection board convened under this chapter, and prior to the placement of the warrant officer’s name on the applicable promotion list as approved for transfer to a new component within the same or a different armed force, the Secretary concerned may place the warrant officer’s name on a corresponding promotion list of the new component without regard to the warrant officer’s competitive category. A warrant officer’s promotion under this subsection shall be made pursuant to section 12242 of this title.

(Added Pub. L. 102–190, div. A, title XI, § 1112(a), Dec. 5, 1991, 105 Stat. 1497; amended Pub. L. 102–484, div. A, title X, § 1052(4), Oct. 23, 1992, 106 Stat. 2499; Pub. L. 103–337, div. A, title V, § 501(c), Oct. 5, 1994, 108 Stat. 2748; Pub. L. 117–263, div. A, title V, § 508(c), Dec. 23, 2022, 136 Stat. 2560; Pub. L. 118–31, div. A, title V, § 503(a), Dec. 22, 2023, 137 Stat. 240; Pub. L. 118–159, div. A, title XVII, § 1701(a)(13), Dec. 23, 2024, 138 Stat. 2203.)

Editorial Notes

AMENDMENTS

2024—Subsec. (g). Pub. L. 118–159 substituted “as approved” for “is approved”.

2023—Subsec. (g). Pub. L. 118–31 added subsec. (g).

2022—Subsec. (a). Pub. L. 117–263 substituted “set forth in section 576(c) of this title” for “of the seniority of such officers on the warrant officer active-duty list”.