

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

Statutory Notes and Related Subsidiaries

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.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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EFFECTIVE DATE OF 1991 AMENDMENT

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§ 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.

Editorial Notes

AMENDMENTS

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

1980—Pub. L. 96-513 struck out designation “(a)” before “Except for an officer”, substituted “an active-duty list” for “a lineal list”, struck out sentence which had provided that a staff corps officer with the same date of rank as his running mate ranked above all line and staff corps officers junior to his running mate, and struck out subsec. (b) which had provided for a hierarchy of 9 categories of officers of the Navy to be used in ranking officers of the Navy on active duty serving in the same grade and having the same date of rank in that grade.

1967—Subsec. (b). Pub. L. 90-179 added par. (6) and renumbered former pars. (6), (7), and (8) as pars. (7), (8), and (9), respectively.

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