

(2) Such regulations shall establish procedures to exclude from consideration by the board any warrant officer who has been approved for voluntary retirement, or who is to be mandatorily retired under any other provision of law, during the fiscal year in which the board is convened or during the following fiscal year. An officer not considered by a selection board convened under section 573(c) of this title under such regulations because the officer has been approved for voluntary retirement shall be retired on the date approved for the retirement of such officer as of the convening date of such selection board unless the Secretary concerned approves a modification of such date in order to prevent a personal hardship for the officer or for other humanitarian reasons.

(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.

(Added Pub. L. 102-190, div. A, title XI, §1112(a), Dec. 5, 1991, 105 Stat. 1500; amended Pub. L. 102-484, div. A, title X, §1052(5), Oct. 23, 1992, 106 Stat. 2499; Pub. L. 103-337, div. A, title V, §541(b)(6), Oct. 5, 1994, 108 Stat. 2765; Pub. L. 104-106, div. A, title V, §504(a), Feb. 10, 1996, 110 Stat. 295.)

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-106 added subsec. (e).
 1994—Subsec. (a). Pub. L. 103-337 struck out “in the Army, Navy, Air Force, or Marine Corps” after “A regular warrant officer”.
 1992—Subsec. (d)(2). Pub. L. 102-484 substituted “board” for “Board” in two places in first sentence.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by 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.

§ 582. Warrant officer active-duty list: exclusions

Warrant officers in the following categories are not subject to this chapter:

- (1) Reserve warrant officers—
 - (A) on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title; or
 - (B) on full-time National Guard duty.
- (2) Retired warrant officers on active duty (other than retired warrant officers who were recalled to active duty before February 1, 1992, and have served continuously on active duty since that date).
- (3) Students enrolled in the Army Physician's Assistant Program.

(Added Pub. L. 102-190, div. A, title XI, §1112(a), Dec. 5, 1991, 105 Stat. 1500; amended Pub. L. 103-337, div. A, title V, §501(d), Oct. 5, 1994, 108 Stat. 2748; Pub. L. 104-106, div. A, title XV, §1501(c)(5), Feb. 10, 1996, 110 Stat. 498; Pub. L.

108-375, div. A, title IV, §416(i), Oct. 28, 2004, 118 Stat. 1869.)

AMENDMENTS

2004—Par. (1). Pub. L. 108-375 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Reserve warrant officers—

- “(A) on active duty for training;
- “(B) on active duty under section 12301(d) of this title in connection with organizing, administering, recruiting, instructing, or training the reserve components;
- “(C) on active duty to pursue special work;
- “(D) ordered to active duty under section 12304 of this title; or
- “(E) on full-time National Guard duty.”

1996—Par. (1)(B). Pub. L. 104-106 substituted “section 12301(d)” for “section 672(d)”.

Par. (1)(D). Pub. L. 104-106 substituted “section 12304” for “section 673b”.

1994—Par. (2). Pub. L. 103-337 inserted before period at end “(other than retired warrant officers who were recalled to active duty before February 1, 1992, and have served continuously on active duty since that date)”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1501(c) of Pub. L. 104-106 provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

§ 583. Definitions

In this chapter:

(1) The term “promotion zone” means a promotion eligibility category consisting of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

- (A) in the case of grades below chief warrant officer, W-5, have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of warrant officers recommended for promotion to that grade (other than after having been placed on that list after a selection from below the promotion zone); and
- (B) are senior to the warrant officer designated by the Secretary concerned to be the junior warrant officer in the promotion zone eligible for promotion to the next higher grade.

(2) The term “warrant officers above the promotion zone” means a group of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

- (A) are eligible for consideration for promotion to the next higher grade;
- (B) are in the same grade as warrant officers in the promotion zone; and
- (C) are senior to the senior warrant officer in the promotion zone.

(3) The term “warrant officers below the promotion zone” means a group of officers on a warrant officer active-duty list in the same grade (or the same grade and competitive category) who—

- (A) are eligible for consideration for promotion to the next higher grade;
- (B) are in the same grade as warrant officers in the promotion zone; and
- (C) are junior to the junior warrant officer in the promotion zone.