

Subsection (d) is worded to make clear that the Naval Inspector General may be designated, under 34 U. S. C. 211d, as an officer who performs unusual or special duty, and, if so designated, is entitled to the grade, pay, and retirement privilege accompanying the special designation. The words "under section 5231 of this title" are substituted for the words "grade, rank, pay, and allowances provided under any provision of law heretofore or hereafter enacted which authorizes such grade, rank, pay, and allowances for officers so designated".

Chapter 511.—OFFICE OF THE CHIEF OF NAVAL MATERIAL

Sec.

5111. Chief of Naval Material: detail; duties; pay and allowances.

5112. Vice Chief of Naval Material: detail; succession to duties of Chief.

§ 5111. Chief of Naval Material: detail; duties; pay and allowances.

(a) There is in the executive part of the Department of the Navy at the seat of government an Office of Naval Material, headed by the Chief of Naval Material. He shall be detailed by the Secretary of the Navy from officers on the active list of the Navy not below the grade of rear admiral.

(b) The Chief of Naval Material is entitled to the same pay, allowances, and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

(c) The President may designate the Chief of Naval Material as an officer who performs special or unusual duty or duty of great importance and responsibility under section 5231 of this title.

(d) The Chief of Naval Material, under the direction of the Secretary, shall effectuate policies of procurement, contracting, and production of material throughout the Department, and plans therefor, and his orders are considered as coming from the Secretary. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 284.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5111 (a)....	5 U. S. C. 423g (a) (less 2d sentence); 5 U. S. C. 423a (b).	Mar. 5, 1948, ch. 98, § 7 (a) (less 2d sentence), 62 Stat. 68.
5111 (b)...	5 U. S. C. 423g (a) (2d sentence).	Mar. 5, 1948, ch. 98, § 1 (b), 62 Stat. 67.
5111 (c)....	5 U. S. C. 423k (as applicable to Chief of Naval Material).	Mar. 5, 1948, ch. 98, § 7 (a) (2d sentence), 62 Stat. 68.
5111 (d)...	5 U. S. C. 423g (b).	Mar. 5, 1948, ch. 98, § 11 (as applicable to Chief of Naval Material), 62 Stat. 69. Mar. 5, 1948, ch. 98, § 7 (b), 62 Stat. 68.

In subsection (a) the word "is" is substituted for the words "is hereby established" to execute the initial establishing language.

Subsection (c) is worded to make clear that the Chief of Naval Material may be designated, under 34 U. S. C. 211d, as an officer who performs unusual or special duty, and, if so designated, is entitled to the grade, pay, and retirement privilege accompanying the special designation. The words "under section 5231 of this title" are substituted for the words "grade, rank, pay, and allowances provided under any provision of law heretofore or hereafter enacted which authorizes such grade, rank, pay, and allowances for officers so designated".

In subsection (d) the words "and as having full force and effect as such" are omitted as surplusage.

§ 5112. Vice Chief of Naval Material: detail; succession to duties of Chief.

(a) An officer on the active list of the Navy may be detailed as Vice Chief of Naval Material.

(b) When there is a vacancy in the office of Chief of Naval Material, or during the absence or disability of the Chief, the Vice Chief of Naval Material, unless otherwise directed by the President, shall perform the duties of the Chief until a successor is appointed or the absence or disability ceases. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 284.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5112.....	5 U. S. C. 423h.	Mar. 5, 1948, ch. 98, § 8, 62 Stat. 68.

Subsection (b) is phrased to conform to the phraseology in § 5135 of this title, relating to succession to the duties of chiefs of bureaus. The words "as provided by section 179 of the Revised Statutes" are omitted as surplusage.

Chapter 513.—BUREAUS; OFFICE OF THE JUDGE ADVOCATE GENERAL; OFFICE OF NAVAL RESEARCH

Sec.

5131. Bureaus: names; location.

5132. Bureaus: distribution of business; orders; records; expenses.

5133. Bureau Chiefs: rank; pay and allowances; retirement.

5134. Deputy Bureau Chiefs: pay.

5135. Bureau Chiefs: succession to duties.

5136. Bureau of Aeronautics: Chief; Deputy Chief.

5137. Bureau of Medicine and Surgery: Chief; Deputy Chief.

5138. Bureau of Medicine and Surgery: Dental Division; Chief; functions.

5139. Bureau of Medicine and Surgery: Chief of the Medical Service Corps.

5140. Bureau of Medicine and Surgery: Nurse Corps, Director.

5141. Bureau of Naval Personnel: Chief of Naval Personnel; Deputy Chief of Naval Personnel.

5142. Bureau of Naval Personnel: Chief of Chaplains.

5143. Bureau of Naval Personnel: Assistant Chief for Women.

5144. Bureau of Ordnance: Chief; Deputy Chief.

5145. Bureau of Ships: Chief; Deputy Chief; Division Heads.

5146. Bureau of Supplies and Accounts: Chief; Deputy Chief.

5147. Bureau of Yards and Docks: Chief; Deputy Chief.

5148. Office of the Judge Advocate General: Judge Advocate General; appointment, term, emoluments, duties.

5149. Office of the Judge Advocate General: Assistant Judge Advocate General; pay, succession to duties.

5150. Office of Naval Research: Chief, appointment, term, emoluments; Assistant Chief; succession to duties.

5151. Office of Naval Research: duties.

5152. Office of Naval Research: appropriations; time limit.

5153. Naval Research Advisory Committee.

§ 5131. Bureaus: names; location.

There are in the executive part of the Department of the Navy the following bureaus:

- (1) Bureau of Aeronautics.
- (2) Bureau of Medicine and Surgery.
- (3) Bureau of Naval Personnel.

- (4) Bureau of Ordnance.
 - (5) Bureau of Ships.
 - (6) Bureau of Supplies and Accounts.
 - (7) Bureau of Yards and Docks.
- (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 285.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5131-----	5 U. S. C. 429 (less applicability to distribution of business among bureaus).	R. S. 419 (less applicability to distribution of business among bureaus); July 19, 1892, ch. 206, 27 Stat. 243 (6th par.); June 30, 1914, ch. 130, 38 Stat. 408 (4th par.); July 12, 1921, ch. 44, § 8 (17 words of 1st par.), 42 Stat. 140; June 20, 1940, ch. 400, § 1 (a), (b), 54 Stat. 492; May 13, 1942, ch. 303, § 1, 56 Stat. 276.

The bureaus are listed alphabetically for convenience. This listing has no effect on the precedence of the bureaus.

§ 5132. Bureaus: distribution of business; orders; records; expenses.

(a) Except as otherwise provided by law, the business of the executive part of the Department of the Navy shall be distributed among the bureaus as the Secretary of the Navy considers expedient and proper.

(b) Each bureau shall perform its duties under the authority of the Secretary, and its orders are considered as coming from the Secretary.

(c) Under the Secretary, each bureau has custody and charge of its records and accounts.

(d) Each bureau shall furnish to the Secretary estimates for its specific, general, and contingent expenses. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 285.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5132 (a)---	5 U. S. C. 429 (as applicable to distribution of business among bureaus); 5 U. S. C. 455 (1st 23 words).	R. S. 419 (as applicable to distribution of business among bureaus). July 12, 1921, ch. 44, § 8 (1st par., 1st 37 words), 42 Stat. 140.
5132 (b)---	5 U. S. C. 430 (last 39 words); 5 U. S. C. 430b; 5 U. S. C. 455 (less 1st 23 words).	R. S. 420 (last 39 words). June 20, 1940, ch. 400, § 1 (b) (2d sentence), 54 Stat. 493.
5132 (c)---	5 U. S. C. 430 (less last 39 words).	July 12, 1921, ch. 44, § 8 (1st par., less 1st 37 words), 42 Stat. 140.
5132 (d)---	5 U. S. C. 431.	R. S. 420 (less last 39 words). R. S. 430.

In subsection (a) the phrase "Except as otherwise provided by law" is added to preserve provisions direction that the Chief of Naval Operations and other statutory offices and boards share in the business of the executive part of the Department of the Navy. The words "The Bureau of Aeronautics shall be charged with matters pertaining to naval aeronautics" in 5 U. S. C. 455 are omitted as implied in the name of the bureau and covered by the authority granted to the Secretary to distribute the business of the Department.

In subsection (b) the words "and shall have full force and effect as such" are omitted as surplusage.

In subsection (c) the words "Under the Secretary" are inserted to make the provisions of 5 U. S. C. 413 and 5 U. S. C. 430, the latter of which is here codified, harmonious and to give meaning to each provision.

§ 5133. Bureau Chiefs: rank; pay and allowances; retirement.

(a) Unless appointed to a higher grade under another provision of law, an officer of the Navy, while serving as a chief of bureau, has the rank of rear admiral and is entitled to the basic pay and allowances of a rear admiral in the upper half of that grade. Unless appointed to a higher grade under another provision of law, an officer of the Marine Corps, while serving as Chief of the Bureau of Aeronautics, has the rank of major general and is entitled to the basic pay and allowances of a major general.

(b) An officer who is retired while serving as a chief of bureau, or who, after serving at least two and one-half years as a chief of bureau, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade of rear admiral or major general, as appropriate, and with retired pay based on that grade. If he is retired with the grade of rear admiral, he is entitled to the retired pay of a rear admiral in the upper half of that grade.

(c) Except in time of war, any officer of a staff corps who has served as a chief of bureau for a full term is exempt from sea duty. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 285.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5133 (a)---	5 U. S. C. 441 (less applicability to JAG); 5 U. S. C. 441a (as applicable to rank, pay and allowances); 5 U. S. C. 439 (ast 39 words).	July 1, 1913, ch. 114, 40 Stat. 717 (1st sentence on p. 717, less applicability to JAG). June 20, 1940, ch. 400, § 1 (c) (2d sentence, less applicability to retirement), 54 Stat. 493. July 12, 1921, ch. 44, § 8 (2d par., last 42 words), 42 Stat. 140.
5133 (b)---	5 U. S. C. 525a (as applicable to Chiefs of Bureaus); 5 U. S. C. 441a (as applicable to retirement).	June 22, 1933, ch. 567, 52 Stat. 839 (as applicable to Chiefs of Bureaus). June 20, 1940, ch. 400, § 1 (c) (2d sentence as applicable to retirement), 54 Stat. 493.
5133 (c)-----	34 U. S. C. 225.	R. S. 1436.

In subsection (a), the language that incorporates the rank, pay, and allowances of chiefs of bureaus of the War Department for chiefs of bureaus is executed. Creation of the Department of the Air Force by the National Security Act of 1947, and the saving provisions in § 305 of that act, would relate chiefs of bureaus of the Navy to the corresponding officers of both the other military departments. Since there is now positive organizational law for both of those departments providing the grades of the departmental officers, and, since in the reorganization of the departments, there is no precise counterpart of the chief of a Navy bureau, it is inappropriate to continue the incorporation by reference. Subsection (a), therefore, provides that bureau chiefs are entitled to have the rank of rear admiral with pay and allowances of a rear admiral in the upper half, which, under § 516 of the Officer Personnel Act of 1947, corresponds with major general. The subsection also recognizes the possibility of appointing an officer of the Marine Corps as Chief of the Bureau of Aeronautics by providing that such an appointee has the rank, pay, and allowances of a major general.

§ 5134. Deputy Bureau Chiefs: pay.

An officer of the naval service detailed to duty as a deputy chief of bureau is entitled, while so serving, to the highest pay of his rank. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 286.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5134-----	5 U. S. C. 453 (less applicability to Asst. JAG); 5 U. S. C. 451 (last 10 words); 5 U. S. C. 452 (24th through 35th words); None.	Mar. 4, 1925, ch. 536, § 15 (less applicability to Asst. JAG), 43 Stat. 1275. R. S. 1375 (last 10 words); added Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244. July 12, 1921, ch. 44, § 8 (3d par., 24th through 35th words), 42 Stat. 140. May 4, 1898, ch. 234, § 1, 30 Stat. 373 (12th par., 26th through 40th words).

The word "deputy" is substituted for the word "assistant" in order to make it clear that there is but one assistant in each bureau to whom the provision applies. In present terminology the word "deputy" designates the second officer in the bureau.

§ 5135. Bureau Chiefs: succession to duties.

(a) When there is a vacancy in the office of chief of a bureau, or during the absence or disability of the chief of a bureau, the deputy chief of that bureau, unless otherwise directed by the President, shall perform the duties of the chief until a successor is appointed or the absence or disability ceases.

(b) When subsection (a) cannot be complied with because of the absence or disability of the deputy chief of the bureau, the heads of the major divisions of the bureau, in the order directed by the Secretary of the Navy, shall perform the duties of the chief, unless otherwise directed by the President. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 286.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5135 (a)---	5 U. S. C. 445 (less 1st 43 words); 5 U. S. C. 446 (last 49 words); 5 U. S. C. 447 (25th through 74th words); 5 U. S. C. 448a; 5 U. S. C. 449 (last 51 words); 5 U. S. C. 452 (less 1st 35 words).	Aug. 29, 1916, ch. 417, 39 Stat. 558 (3d par., 45th through 95th words). Mar. 3, 1893, ch. 212, 27 Stat. 717 (1st par., last 53 words); May 13, 1942, ch. 303, § 1, 56 Stat. 276. May 4, 1898, ch. 234, § 1, 30 Stat. 373 (12th par., 41st through 92d words). June 20, 1940, ch. 400, § 1 (f), 54 Stat. 493. July 26, 1894, ch. 165, § 1, 28 Stat. 132 (3d par., last 56 words); July 11, 1919, ch. 9, 41 Stat. 147 (1st proviso). July 12, 1921, ch. 44, § 8 (3d par., less 1st 35 words), 42 Stat. 140. Feb. 3, 1942, ch. 35, § 1 (less applicability to JAG), 56 Stat. 47.
5135 (b)---	5 U. S. C. 432a (less applicability to JAG).	

In subsection (a) all the provisions covering succession in case of the absence of the chiefs of the various bureaus are integrated and uniformly stated.

That part of 5 U. S. C. 448a, enacted in the Act of June 20, 1940, ch. 400, § 1 (f), 54 Stat. 493, relating to the succession by heads of major divisions of the Bureau of Ships is superseded by the Act of Feb. 3, 1942, ch. 35, § 1 (5 U. S. C. 432a).

§ 5136. Bureau of Aeronautics: Chief; Deputy Chief.

(a) The Chief of the Bureau of Aeronautics shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list of the Navy or the Marine Corps. The Chief of the Bureau of Aeronautics must be qualified as a naval aviator or naval aviation observer within one year after his appointment.

(b) An officer on the active list of the Navy or the Marine Corps may be detailed as Deputy Chief of the Bureau of Aeronautics. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 286.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5136 (a)---	5 U. S. C. 439 (less last 39 words).	July 12, 1921, ch. 44, § 8 (2d par., less last 42 words), 42 Stat. 140.
5136 (b)---	5 U. S. C. 452 (1st 23 words).	July 12, 1921, ch. 44, § 8 (3d par., 1st 23 words), 42 Stat. 140.

The words "naval aviator" are substituted for the words "aircraft pilot" and the words "naval aviation observer" are substituted for the word "observer" to reflect 34 U. S. C. 735.

§ 5137. Bureau of Medicine and Surgery: Chief; Deputy Chief.

(a) The Chief of the Bureau of Medicine and Surgery shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list of the Navy in the Medical Corps. He has the title of Surgeon General.

(b) An officer on the active list of the Navy in the Medical Corps may be detailed as Deputy Chief of the Bureau of Medicine and Surgery. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 286.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5137 (a)---	5 U. S. C. 432; 5 U. S. C. 438; 5 U. S. C. 440 (less applicability to Paymaster General).	R. S. 421. R. S. 426. R. S. 1471 (less applicability to Paymaster General); June 20, 1940, ch. 400, § 1 (a), 54 Stat. 492.
5137 (b)---	5 U. S. C. 451 (less last 10 words).	R. S. 1375 (less last 10 words); Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244.

In subsection (a) the words "from officers on the active list of the Navy in the Medical Corps" are substituted for the words "from the list of Surgeons of the Navy" to conform to present statutory terminology, and the words "or from officers having the rank of captain in the staff corps of the Navy" are omitted as obsolete in view of the subsequent changes in staff corps grades and the establishment of grades and ranks higher than captain in the staff corps. R. S. 421 and 426 were derived from the Act of July 5, 1862, ch. 134, 12 Stat. 510, and the Act of Mar. 3, 1871, ch. 117, § 10, 16 Stat. 537. The Act of July 5, 1862, provided that the Chief of the Bureau of Medicine and Surgery should be appointed from the list of surgeons in the Navy. At that time the senior medical officers were "surgeons" who "ranked with" commanders. Next junior to them were "surgeons" who "ranked with" lieutenants.

The rank of lieutenant commander did not exist. The Act of Mar. 3, 1871, established five grades in the Medical Corps of which two, medical director and medical inspector, were higher than the grade of surgeon. Medical directors were given the relative rank of captain, medical inspectors the relative rank of commander, and surgeons the relative rank of lieutenant commander or lieutenant. The 1871 Act further provided that chiefs of bureaus might be appointed from officers having the relative rank of captain in the staff corps. This provision was probably intended to insure that the assignment of new grades and titles to senior staff corps officers should not be construed as a bar to their appointment as bureau chiefs. However, it was interpreted by the Commissioners who drafted the Revised Statutes as setting up a new category of officers from which bureau chiefs could be appointed, and it was therefore stated, in R. S. 421, as an alternative to each of the other categories specified for the various Bureaus in the 1862 Act and reenacted in R. S. 422—426. Thus the Chief of the Bureau of Medicine and Surgery could be appointed from surgeons, who had the relative rank of lieutenant commander or lieutenant in the Medical Corps, or from officers having the relative rank of captain in the Medical Corps, Pay Corps, or Engineer Corps. Section 405 of the Officer Personnel Act of 1947 (34 U. S. C. 10a) abolished the grade of surgeon and other staff corps grades and replaced them with grades having the same titles as the grades and ranks in the line. Officers who were "surgeons" are now "lieutenant commanders and lieutenants in the Medical Corps." If this literal translation is made in R. S. 426 and the eligibility of all staff corps captains, as stated in R. S. 421, is retained, an absurd result is reached; i. e., lieutenants, lieutenant commanders, and captains in the Medical Corps are eligible for appointment as Chief of the Bureau of Medicine and Surgery; but commanders and rear admirals in that corps are ineligible; captains, but not rear admirals, in other staff corps are eligible by virtue of their rank alone, regardless of their lack of training in medicine. It appears, therefore, that the only reasonable meaning that can be given to R. S. 421 and 426 at the present time is that the Chief of the Bureau of Medicine and Surgery must be an officer of the Medical Corps.

In subsection (b) the words "Deputy Chief of the Bureau" are substituted for the words "assistant to the Bureau" for uniformity. The words "An officer on the active list of the Navy in the Medical Corps" are substituted for the words "A surgeon, assistant surgeon, or passed assistant surgeon" to conform to present statutory terminology and to describe clearly the class of officers eligible for detail under this subsection. When the source statute was enacted there was no class of officers exactly corresponding to officers of the present Naval Reserve, and retired officers could be called to active duty only in time of war, so that the detaching of an officer not on the active list as assistant to the bureau chief was probably not contemplated. Further, since the assistant or deputy must at times perform the duties of the chief, it is reasonable to assume that he was intended to be in the same category of officers. Later statutes relating to the Assistant Chiefs of the Bureau of Aeronautics and the Bureau of Ships, enacted at a time when there were Reserve officers and when retired officers could be called to duty at any time with their consent, specify that the assistant chiefs shall be officers on the active list.

§ 5138. Bureau of Medicine and Surgery: Dental Division; Chief; functions.

(a) There is a Dental Division in the Bureau of Medicine and Surgery. An officer of the Dental Corps in the grade of rear admiral shall be detailed as Chief of the Dental Division.

(b) The Chief of the Dental Division is entitled to the same pay, allowances, and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

(c) The dental functions of the Bureau of Medicine and Surgery shall be so defined and prescribed by Bureau directives, and if necessary by regulations of the Secretary of the Navy, that all such functions will be under the direction of the Dental Division. All matters relating to dentistry shall be referred to that Division.

(d) The Dental Division shall—

- (1) establish professional standards and policies for dental practice;
- (2) conduct inspections and surveys for maintenance of such standards;
- (3) initiate and recommend action pertaining to complements, appointments, advancement, training assignment, and transfer of dental personnel; and
- (4) serve as the advisory agency for the Bureau on all matters relating directly to dentistry. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 286.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5138-----	5 U. S. C. 456b; 5 U. S. C. 456c.	Dec. 28, 1945, ch. 604, § 2, 59 Stat. 666. Dec. 28, 1945, ch. 604, § 3, 59 Stat. 666; Aug. 7, 1947, ch. 512, § 427, 61 Stat. 880; Oct. 18, 1951, ch. 513, 65 Stat. 450.

§ 5139. Bureau of Medicine and Surgery: Medical Service Corps, Chief.

(a) There is a chief of the Medical Service Corps appointed by the Secretary of the Navy, upon the recommendation of the Surgeon General, from officers on the active list of the Navy in the Medical Service Corps holding permanent appointments in grades not below lieutenant commander. The Chief shall be appointed for a term of not more than four years, to serve at the pleasure of the Secretary. While so serving, he has the rank of captain in the Navy and is entitled to the pay and allowances of an officer serving in that rank. His permanent status as a commissioned officer in the Medical Service Corps is not disturbed by his appointment as Chief.

(b) An officer who is retired for any reason while serving as Chief of the Medical Service Corps or who, after serving at least two and one-half years as chief of that corps, is retired after completion of that service while serving in a lower rank or grade may, in the discretion of the President, be retired with the grade of captain and with retired pay based on that grade. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 287.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5139-----	34 U. S. C. 30a-1.	Aug. 4, 1947, ch. 459, § 208, 61 Stat. 738; Aug. 7, 1947, ch. 512, § 433 (a), 61 Stat. 881; added Aug. 23, 1954, ch. 822, 68 Stat. 763.

In subsection (b) the words "with the grade of captain and with retired pay based on that grade" are substituted

for the words "with the rank held by him while serving as Chief of the Medical Service Corps and with retired pay based on the active-duty pay of that rank" for brevity and clarity.

§ 5140. Bureau of Medicine and Surgery: Nurse Corps, Director.

(a) There is a Director of the Nurse Corps appointed by the Secretary of the Navy, upon the recommendation of the Surgeon General, from officers on the active list of the Navy in the Nurse Corps holding permanent appointments in the grade of commander or lieutenant commander. The Director shall be appointed for a term of not more than four years, to serve at the pleasure of the Secretary. While so serving, she has the rank of captain in the Navy and is entitled to the pay and allowances of an officer serving in that rank. Her permanent status as a commissioned officer in the Nurse Corps is not disturbed by her appointment as Director.

(b) An officer who, after serving at least two and one-half years as Director of the Nurse Corps, is retired for any reason while serving as Director or while serving in a lower rank or grade after completion of that service may, in the discretion of the President, be retired with the grade of captain and with retired pay based on that grade. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 287.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5140 (a)---	34 U. S. C. 43a.	Apr. 16, 1947, ch. 38, § 202, 61 Stat. 47.
5140 (b)---	34 U. S. C. 43g (b).	Apr. 16, 1947, ch. 38, § 207 (c), 61 Stat. 49; renumbered § 207 (b), Aug. 7, 1947, ch. 512, § 434 (d), 61 Stat. 882.

In subsection (a) the words "holding permanent appointments in the grade of commander or lieutenant commander" are substituted for the words "of the permanent grade or rank of lieutenant commander or above" because the grade of commander is the only grade above lieutenant commander in which an officer of the Nurse Corps may have a permanent appointment.

In subsection (b) the proviso of 34 U. S. C. 43g (b) is omitted as executed.

§ 5141. Bureau of Naval Personnel: Chief of Naval Personnel; Deputy Chief of Naval Personnel.

(a) The Chief of the Bureau of Naval Personnel shall be known as the Chief of Naval Personnel. The Chief of Naval Personnel shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list in the line of the Navy not below the grade of commander.

(b) The Deputy Chief of the Bureau of Naval Personnel shall be known as the Deputy Chief of Naval Personnel. An officer on the active list in the line of the Navy not below the grade of commander may be detailed as Deputy Chief of Naval Personnel. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 287.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5141 (a)---	5 U. S. C. 432; 5 U. S. C. 434 (less applicability to Chief of BuOrd).	R. S. 421. R. S. 422 (less applicability to Chief of BuOrd, Bureau of Equipment and Recruiting, and BuDocks); May 13, 1942, ch. 303, § 1, 56 Stat. 276.
5141 (b)---	5 U. S. C. 446 (less last 49 words).	Mar. 3, 1893, ch. 212 (1st par., less last 53 words), 27 Stat. 717; May 13, 1942, ch. 303, § 1, 56 Stat. 276.

In subsection (a) the words "from officers on the active list in the line of the Navy" are substituted for the words "from the list of officers of the Navy" to conform to current terminology. Line officers alone had the "grade" of commander when the source statute was enacted. The words "or from officers having the rank of captain in the staff corps of the Navy" are omitted as obsolete in view of subsequent changes in the staff corps and in the staff corps ranks and grades. These words were derived from the Act of Mar. 3, 1871, ch. 117, § 10, 16 Stat. 537, which established new staff corps grades and assigned to officers in the highest grade the relative rank of captain. They were probably intended merely to assure the eligibility of senior staff corps officers for appointment as chiefs of appropriate staff bureaus. However, as incorporated in R. S. 421, they provide a category of eligible officers which is an alternative to each of the categories listed in R. S. 422—426. Thus R. S. 421 and R. S. 422, as originally enacted, provided that the chiefs of the four "line" bureaus, Yards and Docks, Navigation, Ordnance, and Equipment and Recruiting, could be appointed from line officers not below the grade of commander or from officers having the relative rank of captain in any staff corps. Pursuant to these sections the Attorney General held in 1898 that an officer having the relative rank of captain in the Civil Engineer Corps could legally be appointed as Chief of the Bureau of Yards and Docks (22 Op. Atty. Gen. 47, 17 Mar. 1898). There is some confusion in the opinion as to which corps was meant. The proposed appointee was a member of the Civil Engineer Corps, but the Corps of Engineers is the corps mentioned in the conclusion of the opinion. A provision in the Act of June 29, 1906, ch. 3590, 34 Stat. 564, requires that the Chief of the Bureau of Yards and Docks be selected from officers of the Civil Engineer Corps, so that there is no longer any question as to that bureau. The Bureau of Equipment and Recruiting has been abolished, leaving only the Bureau of Naval Personnel (formerly Navigation) and the Bureau of Ordnance of the four "line" bureaus originally listed in R. S. 422. The statutes establishing new "line" bureaus, the Bureau of Ships and the Bureau of Aeronautics, contain their own requirements as to the qualifications of the chiefs. The abolition of the Corps of Engineers and the Construction Corps, with the transfer of officers in those corps to the line, has eliminated the only staff corps whose members had duties closely related to those of line officers. The present staff corps, with the possible exception of the Supply Corps, are all highly specialized. Furthermore, in five of the seven corps, captain is no longer the highest grade. In view of these facts it is considered that the provision of R. S. 421 making staff corps captains eligible for appointment as Chief of the Bureaus of Naval Personnel and Ordnance is obsolete.

In subsection (b) the words "An officer on the active list in the line of the Navy not below the grade of commander" are substituted for the words "An officer of the Navy not below the rank of commander" to conform to current terminology and for clarity. When the source statute was enacted only line officers had the actual rank of commander. The words "on the active list" are inserted for the reasons stated in the revision note on § 5137 (b) of this title. The words "Deputy Chief" are substituted for the words "assistant to the Chief" for the reason stated in the revision note on § 5134 of this title.

§ 5142. Bureau of Naval Personnel: Chief of Chaplains.

There is a Chief of Chaplains in the Bureau of Naval Personnel, detailed by the Chief of Naval Personnel from officers on the active list of the Navy in the Chaplains Corps not below the grade of rear admiral. The Chief of Chaplains, while so serving, is entitled to the basic pay and allowances of a rear admiral in the upper half of that grade. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 288.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5142.....	34 U. S. C. 97.	May 15, 1947, ch. 59, § 1, 61 Stat. 93; Aug. 7, 1947, ch. 512, § 428, 61 Stat. 880.

The word "detailed" is substituted for the word "designated" to reflect administrative practice and to retain for the word "designation" the special statutory meaning given to it in 34 U. S. C. 211b and other provisions. The word "basic" is inserted before "pay" to conform to the terminology of the Career Compensation Act of 1949.

§ 5143. Bureau of Naval Personnel: Assistant Chief for Women.

(a) A woman officer on the active list of the Navy, appointed under section 5590 of this title, serving in a grade not below lieutenant commander may be detailed as an assistant to the Chief of Naval Personnel. While so serving, she has the rank of captain in the Navy and is entitled to the pay and allowances of an officer serving in that rank. Her permanent status as a commissioned officer is not disturbed by her detail under this section.

(b) An officer detailed as an assistant to the Chief of Naval Personnel under subsection (a), who becomes 50 years of age while serving as such assistant, may be retired by the President on the first day of the month following that in which she stops serving as such assistant.

(c) Each officer detailed as an assistant to the Chief of Naval Personnel under subsection (a) who, while serving as such assistant, becomes 55 years of age or completes 30 years of active commissioned service in the Navy shall be retired by the President on the first day of the month following that in which she attains that age or completes that service, whichever is earlier.

(d) An officer detailed as an assistant to the Chief of Naval Personnel under subsection (a) who has served at least two and one-half years as such assistant, and who is retired for any reason, either while so serving or after completion of that service while serving in a lower grade or rank, may, in the discretion of the President, be retired with the grade of captain and with retired pay based on that grade.

(e) Unless given a higher grade under subsection (d) or another provision of law, an officer retired under this section shall be retired in the permanent grade held by her at the time of retirement.

(f) Each officer who is retired under this section is entitled to retired pay at the rate of 2½ percent

of the basic pay to which she would be entitled if serving on active duty in the grade in which retired multiplied by the number of years of service creditable for basic pay, but the retired pay may not be more than 75 percent or less than 50 percent of the basic pay upon which the computation of retired pay is based. In determining the number of years to be used as a multiplier under this subsection, a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 288.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5143 (a)---	34 U. S. C. 105d.	June 12, 1948, ch. 449, § 206, 62 Stat. 364.
5143 (b)---	34 U. S. C. 410r (b) (proviso, less applicability to rank).	June 12, 1948, ch. 449, § 207 (b) (proviso, less applicability to rank), 62 Stat. 366.
5143 (c)---	34 U. S. C. 410r (b) (as applicable to woman assistant to ChNavPers, less applicability to grade, and less proviso).	June 12, 1948, ch. 449, § 207 (b) (as applicable to woman assistant to ChNavPers, less applicability to grade, and less proviso), 62 Stat. 366.
5143 (d)---	34 U. S. C. 410r (b) (proviso, as applicable to rank), and 34 U. S. C. 410r (d).	June 12, 1948, ch. 449, § 207 (b) (proviso, as applicable to rank), and § 207 (d), 62 Stat. 366, 367.
5143 (e)---	34 U. S. C. 410r (b) (as applicable to retired grade of woman assistant to ChNavPers).	June 12, 1948, ch. 449, § 207 (b) (as applicable to retired grade of woman assistant to ChNavPers), 62 Stat. 366.
5143 (f)---	34 U. S. C. 410r (e), (g), (h), (k) (as applicable to retired pay of woman assistant to ChNavPers).	June 12, 1948, ch. 449, § 207 (e), (g), (h), (k) (as applicable to retired pay of woman assistant to ChNavPers), 62 Stat. 367, 368.

In subsection (a) the words "on the active list of the Navy" are supplied, since the context indicates that the woman assistant to the Chief of Naval Personnel shall be detailed from officers of the Regular Navy. The words "appointed under section 5590 of this title" are added to exclude from eligibility for detail under this subsection officers in the Nurse Corps and women officers appointed in the Medical Corps, Dental Corps, and Medical Service Corps under laws authorizing the appointment of male officers in these corps as made applicable to women by the Act of June 24, 1952, ch. 457 (34 U. S. C. 21e). Nurses are specifically excluded by § 217 of the Women's Armed Services Integration Act of 1943 (34 U. S. C. 105k). Women officers whose appointment is authorized by the 1952 Act are, by the terms of that act, subject to the same laws relating to promotion, retirement, etc., as male officers in their respective corps; they may hold permanent appointments in grades up to and including rear admiral and are not required to retire, except for failures of selection, until they become 62 years of age. It is, therefore, apparent that there was no intent to bring these officers within the scope of this section.

In subsection (d) the words "with the grade of captain" are substituted for the words "in the rank held by her while serving as such assistant to the Chief of Naval Personnel". The proviso in 34 U. S. C. 410r (d) relating to the woman officer first detailed as assistant to the Chief of Naval Personnel is omitted as being no longer necessary since the officer concerned served in the position for more than 2½ years and is now retired.

In subsection (f) the words "under this section" are substituted for the words "for other than physical disability incurred in line of duty". The provisions of 34 U. S. C. 410r (e), (g), (h), and (k), as they relate to other women officers appointed under § 5590 of this title are codified in the chapter on involuntary retirement.

Their application to a woman officer who serves as assistant to the Chief of Naval Personnel is stated in subsection (f) of the revised section for completeness. In connection with the minimum rate of retired pay stated in 34 U. S. C. 410r (k), reference to the Act of April 18, 1946, ch. 141, § 5, 60 Stat. 92, is omitted as surplusage, since a woman officer appointed under § 204 of the Women's Armed Services Integration Act of 1948 (34 U. S. C. 105c), rather than under the Act of April 18, 1946, as made applicable to women by § 201 of the Women's Armed Services Integration Act of 1948 (34 U. S. C. 105a), cannot become eligible for or subject to retirement until she completes at least the 20 years of service needed to qualify her for retired pay at the rate of 50 percent of her basic pay.

§5144. Bureau of Ordnance: Chief, Deputy Chief.

(a) The Chief of the Bureau of Ordnance shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list in the line of the Navy not below the grade of commander.

(b) An officer on the active list in the line of the Navy may be detailed as Deputy Chief of the Bureau of Ordnance. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 289.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5144 (a)....	5 U. S. C. 432; 5 U. S. C. 434 (as applicable to Chief of BuOrd).	R. S. 421.
5144 (b)....	5 U. S. C. 447 (less 25th through 74th words).	R. S. 422 (as applicable to Chief of BuOrd), May 4, 1898, ch. 234, § 1 (12th par., less 26th through 92d words), 30 Stat. 373.

In subsection (a) the words "from officers on the active list in the line of the Navy not below the grade of commander" are substituted for the words "from the list of officers of the Navy, not below the grade of commander", and the words "or from officers having the rank of captain in the staff corps of the Navy" are omitted for the reasons stated in the revision note on § 5141 (a) of this title.

In subsection (b) the words "on the active list" are added for the reason stated in the revision note on § 5137 (b) of this title. The word "temporarily" is omitted as surplusage. The words "Deputy Chief" are substituted for the words "assistant to the Chief" for the reason stated in the revision note on § 5134 of this title. The proviso in 5 U. S. C. 447, relating to succession in the absence of both the chief and assistant, was superseded by the Act of Feb. 3, 1942, ch. 35, § 1 (5 U. S. C. 432a).

§5145. Bureau of Ships: Chief; Deputy Chief; Division Heads.

(a) The Chief of the Bureau of Ships shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list of the Navy who are specially qualified and experienced in naval engineering or naval architecture.

(b) The Deputy Chief of the Bureau of Ships shall be detailed from officers on the active list of the Navy. If the Chief of the Bureau of Ships is specially qualified and experienced in naval engineering, the Deputy Chief must be specially qualified and experienced in naval architecture. If the Chief of the Bureau of Ships is specially qualified and experienced in naval architecture, the Deputy Chief must be specially qualified and experienced in naval engineering.

(c) The Deputy Chief of the Bureau of Ships, while so serving, has the rank of rear admiral and is entitled to the highest pay and allowances of that rank.

(d) The heads of the major divisions of the Bureau of Ships shall be detailed from officers on the active list of the Navy who are specially qualified and experienced in naval engineering or naval architecture. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 289.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5145 (a)....	5 U. S. C. 435.	June 20, 1940, ch. 400, § 1 (c)
5145 (b) (c).	5 U. S. C. 448.	(1st sentence), 54 Stat. 493.
5145 (d)....	5 U. S. C. 448b.	June 20, 1940, ch. 400, § 1 (d), 54 Stat. 493.
		June 20, 1940, ch. 400, § 1 (e), 54 Stat. 493.

The last proviso of 5 U. S. C. 448 is omitted as executed. The word "Deputy" is substituted for the word "assistant" for the reason stated in the revision note on § 5134 of this title.

§5146. Bureau of Supplies and Accounts: Chief; Deputy Chief.

(a) The Chief of the Bureau of Supplies and Accounts shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list of the Navy in the Supply Corps who have had at least ten years of service in that corps. He has the title of Paymaster General.

(b) An officer on the active list of the Navy in the Supply Corps may be detailed as Deputy Chief of the Bureau of Supplies and Accounts. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 289.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5146 (a)....	5 U. S. C. 432; 5 U. S. C. 437; 5 U. S. C. 440 (as applicable to Paymaster General).	R. S. 421.
5146 (b)....	5 U. S. C. 449 (less last 51 words).	R. S. 425; July 19, 1892, ch. 206, 27 Stat. 243 (6th par.). R. S. 1471 (as applicable to Paymaster General). July 26, 1894, ch. 165 (3d par., less last 56 words), 28 Stat. 132; July 11, 1919, ch. 9, 41 Stat. 147 (1st proviso).

In subsection (a) the words "officers on the active list of the Navy in the Supply Corps" are substituted for the words "the list of paymasters of the Navy" to conform to present statutory language. The words "ten years of service in that Corps" are substituted for the words "ten years' standing" for clarity of expression. The words "or from officers having the rank of captain in the staff corps of the Navy" are omitted for the reasons stated in the revision note on § 5137 (a) of this title.

In subsection (b) the words "Deputy Chief" are substituted for the words "assistant to the Chief" for the reason stated in the revision note on § 5134 of this title. The words "on the active list" are added for the reason stated in the revision note on § 5137 (b) of this title.

§5147. Bureau of Yards and Docks: Chief; Deputy Chief.

(a) The Chief of the Bureau of Yards and Docks shall be appointed by the President, by and with

the advice and consent of the Senate, for a term of four years from officers on the active list of the Navy in the Civil Engineer Corps who have had at least seven years of active service.

(b) An officer on the active list of the Navy in the Civil Engineer Corps may be detailed as Deputy Chief of the Bureau of Yards and Docks. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 289.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5147 (a)....	5 U. S. C. 442; 5 U. S. C. 433.	R. S. 421.
5147 (b)....	5 U. S. C. 445 (1st 23 words).	R. S. 422 (as applicable to Chief of BuDocks); June 29, 1906, ch. 3590 (5th par.), 34 Stat. 564. Aug. 29, 1916, ch. 417, 39 Stat. 558 (1st 24 words of 3d par.).

The words "Civil Engineer Corps" are substituted throughout the section for the words "Corps of Civil Engineers" to conform to present statutory language contained in the Officers Personnel Act of 1947. The provision in 5 U. S. C. 432 relating to the appointment of bureau chiefs "from officers having the rank of captain in the staff corps of the Navy" was superseded as to the Bureau of Yards and Docks by the provision in the Act of June 29, 1906, ch. 3590, 34 Stat. 564, which requires the chief of that bureau to be selected from officers of the Civil Engineer Corps. It is therefore omitted from subsection (a).

In subsection (b) the words "on the active list of the Navy" are inserted for the reason stated in the revision note on § 5137 (b) of this title. The words "Deputy Chief" are substituted for the words "assistant to the Chief" for the reason stated in the revision note on § 5134 of this title.

§ 5148. Office of the Judge Advocate General: Judge Advocate General; appointment, term, emoluments, duties.

(a) There is in the executive part of the Department of the Navy the Office of the Judge Advocate General of the Navy. The Judge Advocate General shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. He shall be appointed from officers of the Navy or the Marine Corps who are members of the bar of a Federal court or the highest court of a State or Territory and who have had at least eight years of experience in legal duties as commissioned officers.

(b) The Judge Advocate General of the Navy is entitled to the same rank, pay, allowances, and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

(c) The Judge Advocate General of the Navy, under the direction of the Secretary of the Navy, shall—

(1) perform duties relating to legal matters arising in the Department of the Navy as may be assigned to him;

(2) perform the functions and duties and exercise the powers prescribed for the Judge Advocate General in chapter 47 of this title;

(3) receive, revise, and have recorded the proceedings of boards for the examination of officers of the naval service for promotion and retirement; and

(4) perform such other duties as may be assigned to him. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 289.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5148.....	5 U. S. C. 428; 50 U. S. C. 741 (as applicable to Navy JAG); 5 U. S. C. 441 (as applicable to JAG); 5 U. S. C. 425a (as applicable to JAG).	June 8, 1880, ch. 129, 21 Stat. 164; June 5, 1896, ch. 331, 29 Stat. 251. May 5, 1950, ch. 169, § 13 (as applicable to Navy JAG), 64 Stat. 147. July 1, 1918, ch. 114, 40 Stat. 717 (1st sentence on p. 717, as applicable to JAG). June 22, 1938, ch. 567 (as applicable to JAG), 52 Stat. 839.

In subsection (b) the rank, pay, allowances, and privileges of retirement of chiefs of bureaus of the Navy are incorporated. 5 U. S. C. 441 apparently relates the Judge Advocate General of the Navy to the Judge Advocate General of the Army, as well as to bureau chiefs. However, since the creation of the Department of the Air Force by the National Security Act of 1947, if the incorporation to the Army provision is retained, the saving provisions in the act require an incorporation also to the rank, etc., of the Judge Advocate General of the Air Force. The rank of the Judge Advocate General of each of the other departments is now specified in organizational law to be major general. Since it is possible that these ranks may at some future time not be the same, incorporation by reference to them is no longer appropriate. Instead, the section relates the Judge Advocate General's rank, pay, allowances, and privileges of retirement to those of bureau chiefs as does 5 U. S. C. 441, in part.

In subsection (c), clauses (1) and (4) are substituted for the words "and perform such other duties as have heretofore been performed by the Solicitor and Naval Judge Advocate General" to describe the duties of the Judge Advocate General directly instead of by reference to the duties performed by an officer whose office was abolished more than 75 years ago.

Subsection (c) (2) is substituted for the reference, in 5 U. S. C. 428, to courts-martial and courts of inquiry, since the Uniform Code of Military Justice has superseded prior law as to the duties of the Judge Advocates General relating to these courts.

§ 5149. Office of the Judge Advocate General: Assistant Judge Advocate General; pay, succession to duties.

(a) An officer in the line of the Navy or an officer of the Marine Corps may be detailed as Assistant Judge Advocate General of the Navy. While so serving, he is entitled to the highest pay of his rank.

(b) When there is a vacancy in the Office of Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Assistant Judge Advocate General, unless otherwise directed by the President, shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases.

(c) When subsection (b) cannot be complied with because of the absence or disability of the Assistant Judge Advocate General, the heads of the major divisions of the Office of the Judge Advocate General, in the order directed by the Secretary of the Navy, shall perform the duties of the Judge Advocate General, unless otherwise directed

by the President. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 290.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5149 (a)....	5 U. S. C. 444 (less last 19 words); 5 U. S. C. 453 (as applicable to Asst. JAG).	Aug. 29, 1916, ch. 417 (3d par., 96th through 121st word), 39 Stat. 558.
5149 (b)....	5 U. S. C. 444 (last 19 words).	Mar. 4, 1925, ch. 536, § 15 (as applicable to Asst. JAG), 43 Stat. 1275.
5149 (c)....	5 U. S. C. 432a (as applicable to JAG).	Aug. 29, 1916, ch. 417 (3d par., 122d word to end of par.), 39 Stat. 558. Feb. 3, 1942, ch. 35, § 1 (as applicable to JAG), 56 Stat. 47.

Changes in phraseology are made to conform to the language used in § 5135 of this title.

§ 5150. Office of Naval Research: Chief; appointment, term, emoluments; Assistant Chief; succession to duties.

(a) There is in the Office of the Secretary of the Navy an Office of Naval Research, headed by the Chief of Naval Research.

(b) The Chief of Naval Research shall be appointed by the President, by and with the advice and consent of the Senate, for a term of not more than three years, from officers on the active list of the Navy not below the grade of commander.

(c) The Chief of Naval Research is entitled to the same rank, pay, allowances, and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

(d) An officer on the active list of the Navy may be detailed as Assistant Chief of Naval Research. While so serving, he is entitled to the highest pay of his rank.

(e) When there is a vacancy in the office of Chief of Naval Research, or during the absence or disability of the Chief, the Assistant Chief, unless otherwise directed by the President, shall perform the duties of the Chief until a successor is appointed or the absence or disability ceases. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 290.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5150 (a)....	5 U. S. C. 475 (less 20th through 111th words and less 2d sentence); 5 U. S. C. 475a (less 18th through 56th words and less 2d sentence).	Aug. 1, 1946, ch. 727, § 1 (less 22d through 114th words and less 2d sentence), 60 Stat. 779.
5150 (b)....	5 U. S. C. 475a (18th through 56th words).	Aug. 1, 1946, ch. 727, § 2 (less 18th through 56th words and less 2d sentence), 60 Stat. 779.
5150 (c)....	5 U. S. C. 475a (2d sentence).	Aug. 1, 1946, ch. 727, § 2 (18th through 56th words), 60 Stat. 779.
5150 (d)....	5 U. S. C. 475b (less 30th through 78th words).	Aug. 1, 1946, ch. 727, § 2 (2d sentence), 60 Stat. 779.
5150 (e)....	5 U. S. C. 475b (30th through 78th words).	Aug. 1, 1946, ch. 727, § 3 (less 30th through 78th words), 60 Stat. 779. Aug. 1, 1946, ch. 727, § 3 (30th through 78th words), 60 Stat. 779.

§ 5151. Office of Naval Research: duties.

(a) The Office of Naval Research shall perform such duties as the Secretary of the Navy prescribes relating to—

(1) the encouragement, promotion, planning, initiation, and coordination of naval research;

(2) the conduct of naval research in augmentation of and in conjunction with the research and development conducted by the bureaus and other agencies and offices of the Department of the Navy; and

(3) the supervision, administration, and control of activities within or for the Department relating to patents, inventions, trademarks, copyrights, and royalty payments, and matters connected therewith.

(b) Sufficient information relative to estimates of appropriations for research by the several bureaus and offices shall be furnished to the Office of Naval Research to assist it in coordinating naval research and carrying out its other duties.

(c) The Office of Naval Research shall perform its duties under the authority of the Secretary, and its orders are considered as coming from the Secretary. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 291.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5151 (a)....	5 U. S. C. 475 (20th through 111th words).	Aug. 1, 1946, ch. 727, § 1 (22d through 114th words), 60 Stat. 779.
5151 (b)....	5 U. S. C. 475d (a) (2d sentence).	Aug. 1, 1946, ch. 727, § 5 (a) (2d sentence), 60 Stat. 780.
5151 (c)....	5 U. S. C. 475 (2d sentence).	Aug. 1, 1946, ch. 727, § 1 (2d sentence), 60 Stat. 779.

In subsection (c) the words "shall have full force and effect as such" are omitted as surplusage.

§ 5152. Office of Naval Research: appropriations; time limit.

(a) Sums appropriated for the Office of Naval Research may be used to pay the cost of performing its duties under section 5151 of this title including the cost of—

(1) administration;

(2) conduct of research and development work in Government facilities; and

(3) conduct of research and development work under contracts with individuals, corporations, and educational or scientific institutions.

(b) Sums appropriated for the purposes of this section, if obligated during the fiscal year for which appropriated, remain available for expenditure for four years after the end of that fiscal year. Any balance not spent after that four-year period shall be carried to the surplus fund and covered into the Treasury. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 291.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5152.....	5 U. S. C. 475d (a) (less 2d sentence); 5 U. S. C. 475d (b).	Aug. 1, 1946, ch. 727, § 5 (a) (less 2d sentence), 60 Stat. 780. Aug. 1, 1946, ch. 727, § 5 (b), 60 Stat. 780.

The authorization to make appropriations for the Office of Naval Research is omitted as unnecessary. The word "administration" is substituted for the words "administrative expenses" for brevity.

§ 5153. Naval Research Advisory Committee.

(a) The Secretary of the Navy may appoint a Naval Research Advisory Committee consisting of not more than 15 civilians preeminent in the fields of science, research, and development work. One member of the Committee must be from the field of medicine. Each member serves for such term as the Secretary specifies.

(b) The Committee shall meet at such times as the Secretary specifies to consult with and advise the Chief of Naval Operations and the Chief of Naval Research.

(c) Each member of the Committee is entitled to compensation of \$50 for each day or part of a day he attends any regularly called meeting of the Committee and to reimbursement for all travel expenses incident to his attendance.

(d) No law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, the payment or receipt of compensation in connection with any claim proceeding or matter involving the United States applies to members of the Committee solely by reason of their membership on the Committee. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 291.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5153.....	5 U. S. C. 475c.	Aug. 1, 1946, ch. 727, § 4, 60 Stat. 779; Sept. 3, 1954, ch. 1263, § 12, 68 Stat. 1229.

In subsection (c) the words "in the amount" are omitted as unnecessary.

In subsection (d) references to sections of title 18 and to R. S. 190 are omitted as unnecessary and the words "No law" are substituted for the words "Nothing * * * in any other provision of Federal law".

Chapter 515.—COMMANDANT OF THE MARINE CORPS; HEADQUARTERS, MARINE CORPS

Sec.

5201. Commandant: appointment; terms; emoluments.
 5202. Assistant Commandant: detail; pay; succession to duties.
 5203. Director of Personnel: detail.
 5204. Quartermaster General: appointment; term; pay and allowances.
 5205. Heads of Staff Departments: retirement.
 5206. Director of Women Marines: detail; retirement.

§ 5201. Commandant: appointment; term; emoluments.

(a) There is a Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active list of the Marine Corps not below the grade of colonel.

(b) The Commandant of the Marine Corps, while so serving, has the rank of general.

(c) An officer who is retired while serving as Commandant of the Marine Corps, or who, after serving at least two and one-half years as Com-

mandant, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade of general and with retired pay based on that grade. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 292.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
5201 (a)....	34 U. S. C. 621.	Dec. 19, 1913, ch. 3 (1st 66 words), 38 Stat. 241; Aug.
5201 (b)....	34 U. S. C. 622.	29, 1916, ch. 417, 39 Stat.
5201 (c)....	34 U. S. C. 685a; 5 U. S. C. 425a (as applicable to ComdtMarCorps).	609 (4th proviso); May 29, 1934, ch. 367, § 13, 48 Stat. 813; Jan. 20, 1942, ch. 10, § 1 (1st sentence), 56 Stat. 10. Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10; Aug. 7, 1947, ch. 512, § 429, 61 Stat. 880. June 22, 1938, ch. 567, 52 Stat. 839; Jan. 20, 1942, ch. 10, § 1 (1st sentence), 56 Stat. 10. June 22, 1938, ch. 567 (as applicable to ComdtMarCorps), 52 Stat. 839; Jan. 20, 1942, ch. 10, § 1 (1st sentence), 56 Stat. 10.

34 U. S. C. 685a is exhausted with the codification of provisions relating to the Commandant of the Marine Corps, as this section is identical with 5 U. S. C. 425a which was used as source credit for other offices concerned.

In subsection (a) the existence of the office of Commandant is stated positively. The office was first created by the Act of June 30, 1834, ch. 132, 4 Stat. 712, and its continued existence has been recognized in the enactment of the Revised Statutes (R. S. 1601) and in subsequent statutes, the most recent of which (Jan. 20, 1942, ch. 10, 56 Stat. 10) is here codified. This treatment brings the Marine Corps provision into uniformity with those establishing various offices in the Navy. The words "unless sooner relieved" are omitted as surplusage. The power to remove an officer from an executive office, without specific statutory authority, is beyond question. The retention of the quoted language here would place in doubt the removal power in the case of the many other offices of the Department established by laws not specifically providing that power. Since the quoted language does not indicate, nor has it been interpreted as meaning, that the power to relieve vests in any one other than the appointing power, the language is unnecessary.

In subsection (b) the rank of the Commandant is stated affirmatively to be the rank of general. The grade of general was established in the Marine Corps by section 2 of the Act of Mar. 23, 1946, ch. 112, 60 Stat. 59, which gave the grade to the officer who served as Commandant between named dates. Its existence in the Marine Corps is recognized by the Career Compensation Act of 1949 and the Officer Personnel Act of 1947. There is, therefore, no necessity of stating the rank of the Commandant in terms corresponding to Army rank. The provision relating to the pay and allowances of the Commandant is omitted as surplusage, since the Career Compensation Act of 1949 prescribes the pay and allowances of officers serving in the rank of general.

§ 5202. Assistant Commandant: detail; pay; succession to duties.

(a) An officer on the active list of the Marine Corps not restricted in the performance of duty may be detailed as Assistant Commandant of the Marine Corps. While so serving, he is entitled to the highest pay of his grade.

(b) When there is a vacancy in the office of Commandant of the Marine Corps, or during the absence or disability of the Commandant, the Assistant Commandant and then the officers of the Marine Corps