

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513, § 503(5)(A), substituted "active-duty list" for "active list".

Subsec. (c). Pub. L. 96-513, § 503(5)(B), struck out subsec. (c) which had authorized the President to designate the Deputy Chief of Naval Operations as an officer who performs special or unusual duty or duty of great importance and responsibility under section 5231 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 5087. Assistant Chiefs of Naval Operations: detail; duties

(a) Officers on the active-duty list in the line of the Navy and officers on the active-duty list of the Marine Corps, in numbers considered by the Chief of Naval Operations to be necessary, shall, with the approval of the Secretary of the Navy, be detailed as Assistant Chiefs of Naval Operations.

[See main edition for text of (b)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(6), 94 Stat. 2911.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513 substituted "active-duty list" for "active list" both places it appears.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 5088. Naval Inspector General: detail; duties

(a) There is in the Office of the Chief of Naval Operations the Office of the Naval Inspector General. The Naval Inspector General shall be detailed from officers on the active-duty list in the line of the Navy serving in grades above captain.

[See main edition for text of (b) and (c)]

[(d) Repealed. Pub. L. 96-513, title V, § 503(7)(B), Dec. 12, 1980, 94 Stat. 2911]

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(7), 94 Stat. 2911.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513, § 503(7)(A), substituted "active-duty list" for "active list".

Subsec. (d). Pub. L. 96-513, § 503(7)(B), struck out subsec. (d) which had authorized the President to designate the Naval Inspector General as an officer who performs special or unusual duty or duty of great importance and responsibility under section 5231 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CROSS REFERENCES

Inspector General Act of 1978, see Appendix to Title 5, Government Organization and Employees.

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

Sec.

[5134.	Repealed.]
[5139.	Repealed.]
[5140.	Repealed.]
5142.	Chaplain Corps and Chief of Chaplains.
5142a.	Deputy Chief of Chaplains.
[5143.	Repealed.]
5155.	Staff Corps of the Navy.

AMENDMENTS

1980—Pub. L. 96-513, title V, §§ 503(8), 513(6), Dec. 12, 1980, 94 Stat. 2911, 2931, struck out items 5134 "Deputy Bureau Chiefs: pay", 5139 "Bureau of Medicine and Surgery: Medical Service Corps, Chief", 5140 "Bureau of Medicine and Surgery: Nurse Corps, Director", and 5143 "Bureau of Naval Personnel: Assistant Chief of Women", and added item 5155.

Pub. L. 96-343, § 11(b), Sept. 8, 1980, 94 Stat. 1130, substituted "Chaplain Corps and" for "Bureau of Naval Personnel:" in item 5142 and added item 5142a.

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

[See main edition for text of (a)]

(b) Except for an officer who is serving or has served in the grade of vice admiral under section 5137(a) of this title, an officer who is retired while serving as a chief of bureau or the Judge Advocate General, or who, after serving at least two and one-half years as chief of bureau or the Judge Advocate General, 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. An officer who is serving or has served in the grade of vice admiral under section 5137(a) of this title may, upon retirement, be appointed by the President, by and with the advice and consent of the Senate, to the highest grade held by him while on the active list or active-duty list and with retired pay based on that grade.

[See main edition for text of (c)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(9), 94 Stat. 2911.)

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-513 struck out the second sentence relating to retired pay of an officer retired in the grade of rear admiral, and inserted "or active-duty list" following "active list" in the third sentence.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5138, 5142, 5148, 5149, 5150 of this title.

§ 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-duty list of the Navy in the Medical Corps. He has the title of Surgeon General. The Surgeon General, while so serving has the grade of vice admiral.

(b) An officer on the active-duty list of the Navy in the Medical Corps may be detailed as Deputy Chief of the Bureau of Medicine and Surgery.

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(10), 94 Stat. 2912.)

AMENDMENTS

1980—Pub. L. 96-513 substituted "active-duty list" for "active list" wherever appearing.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 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 not below the grade of commodore admiral shall be detailed as Chief of the Dental Division.

[See main edition for text of (b) to (d)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title III, § 342, 94 Stat. 2901.)

AMENDMENTS

1980—Subsec. (a), Pub. L. 96-513 substituted "not below the grade of commodore admiral" for "in the grade of rear admiral".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[§§ 5139, 5140. Repealed, Pub. L. 96-513, title III, § 352(a), Dec. 12, 1980, 94 Stat. 2902]

Section 5139, acts Aug. 10, 1956, ch. 1041, 70A Stat. 287; Sept. 7, 1962, Pub. L. 87-649, § 6(c)(1), 76 Stat. 494, established the position of Chief of the Medical Service Corps within the Bureau of Medicine and Surgery.

Section 5140, acts Aug. 10 1956, ch. 1041, 70A Stat. 287; Aug. 21, 1957, Pub. L. 85-155, title II, § 201(23), 71 Stat. 385; Sept. 7, 1962, Pub. L. 87-649, § 6(c)(2), 76 Stat. 494; Sept. 30, 1966, Pub. L. 89-809, § 1(6), 80 Stat. 853; Nov. 8, 1967, Pub. L. 90-130, § 1(14)(A), 81 Stat. 376, established the position of Director of the Nurse Corps within the Bureau of Medicine and Surgery.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 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-duty 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-duty list in the line of the Navy not below the grade of commander may be detailed as Deputy Chief of Naval Personnel.

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(11), 94 Stat. 2912.)

AMENDMENTS

1980—Pub. L. 96-513 substituted "active-duty list" for "active list" wherever appearing.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 5142. Chaplain Corps and Chief of Chaplains

(a) The Chaplain Corps is a staff corps of the Navy and shall be organized in accordance with regulations prescribed by the Secretary of the Navy.

(b) There is in the executive part of the Department of the Navy the office of the Chief of Chaplains of the Navy. The Chief of Chaplains shall be appointed by the President, by and with the advice and consent of the Senate, from officers of the Chaplain Corps in the grade of commander or above who are serving on active duty, who are not on the retired list, and who have served on active duty in the Chaplain Corps for at least eight years.

(c) An officer appointed as the Chief of Chaplains shall be appointed for a term of four years. However, the President may terminate or extend the appointment at any time.

(d)(1) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Navy and by law.

(2) The Chief of Chaplains shall, with respect to all duties pertaining to the procurement, distribution, and support of personnel of the Chaplain Corps, report to and be supported by the Chief of Naval Personnel.

(e) The Chief of Chaplains of the Navy is entitled to the same rank and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

(As amended Sept. 8, 1980, Pub. L. 96-343, § 11(a), 94 Stat. 1130.)

AMENDMENTS

1980—Pub. L. 96-343 substituted in section catchline "Chaplain Corps and" for "Bureau of Naval Personnel;" and, in completely revising section, substituted provision establishing the Chaplain Corps as a staff corps of the Navy, authorizing the President to appoint the Chief of Chaplains for a 4 year term, which

could be terminated or extended at any time, from officers of the Chaplain Corps in the grade of commander or above who have served for at least 8 years on active duty in the Chaplain Corps and who are not on the retired list, prescribing the duties of the Chief of Chaplains, and providing for his retirement benefits for provision establishing a Chief of Chaplains in the Bureau of Naval Personnel appointed from officers on the active list of the Naval Chaplain Corps not below the grade of rear admiral.

§ 5142a. Deputy Chief of Chaplains

The Secretary of the Navy may detail as the Deputy Chief of Chaplains an officer of the Chaplain Corps in the grade of commander or above who is on active duty, who is not on the retired list, and who has served on active duty in the Chaplain Corps for at least eight years. (Addea Pub. L. 96-343, § 11(a), Sept. 8, 1980, 94 Stat. 1130.)

[§ 5143. Repealed. Pub. L. 96-513, title III, § 344(a), Dec. 12, 1980, 94 Stat. 2901]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 288; Sept. 7, 1962, Pub. L. 87-649, § 6(c)(3), 76 Stat. 494; Nov. 8, 1967, Pub. L. 90-130, § 14(B), (C), 81 Stat. 376, established in the Bureau of Naval Personnel the position of Assistant Chief of Naval Personnel for Women.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

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

[See main edition for text of (a)]

(b) 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 judge advocates 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. While so serving, the Judge Advocate General of the Navy shall be entitled to the rank and grade of rear admiral or major general, as appropriate, unless entitled to a higher rank and grade under another provision of law.

[See main edition for text of (c) to (d)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title III, § 343, 94 Stat. 2901.)

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-513 added provision entitling the Judge Advocate General of the Navy to the rank and grade of rear admiral or major general, as appropriate.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513, effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an

Effective Date of 1980 Amendment note under section 101 of this title.

§ 5149. Office of the Judge Advocate General: Deputy Judge Advocate General; Assistant Judge Advocates General

(a) A judge advocate of the Navy or Marine Corps who has the qualifications prescribed for the Judge Advocate General in section 5148(b) of this title shall be detailed as Deputy Judge Advocate General of the Navy. While so serving he is entitled to the rank and grade of rear admiral or major general, as appropriate, unless entitled to a higher rank or grade under another provision of law. The Deputy Judge Advocate General is entitled to the same privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

(b) An officer of the Judge Advocate General's Corps who has the qualifications prescribed for the Judge Advocate General in section 5148(b) of this title may be detailed as Assistant Judge Advocate General of the Navy. While so serving he is entitled to the rank and grade of commodore admiral, unless entitled to a higher rank or grade under another provision of law. An officer who is retired while serving as Assistant Judge Advocate General of the Navy under this subsection or who, after serving at least twelve months as Assistant Judge Advocate General of the Navy, 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 rank and grade of commodore admiral. If he is retired as a commodore admiral, he is entitled to the retired pay of that grade, unless entitled to higher pay under another provision of law.

[See main edition for text of (c) to (e)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(13), 94 Stat. 2912.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513, § 503(13)(A), struck out "(upper half)" following "entitled to the rank and grade of rear admiral".

Subsec. (b). Pub. L. 96-513, § 503(13)(B), (C), substituted "rank and grade of commodore admiral" for "rank and grade of rear admiral (lower half)" in two places, "retired as a commodore admiral" for "retired as a rear admiral", and "retired pay of that grade" for "retired pay in the lower half of that grade".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

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

[See main edition for text of (a)]

(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-duty list of the Navy not below the grade of commander.

[See main edition for text of (c)]

(d) An officer on the active-duty list of the Navy may be detailed as Assistant Chief of Naval Research.

[See main edition for text of (e)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(12), 94 Stat. 2912.)

AMENDMENTS

1980—Subsec. (b), (d). Pub. L. 96-513 substituted "active-duty list" for "active list" wherever appearing.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 5155. Staff corps of the Navy

(a) The staff corps of the Navy are—

- (1) the Medical Corps;
- (2) the Dental Corps;
- (3) the Judge Advocate General's Corps;
- (4) the Chaplain Corps; and
- (5) such other staff corps as may be established by the Secretary of the Navy under subsection (b).

(b)(1) The Secretary of the Navy may establish staff corps of the Navy in addition to the Medical Corps, the Dental Corps, the Judge Advocate General's Corps, and the Chaplain Corps. The Secretary may designate commissioned officers in, and may assign members to, any such staff corps.

(2) Subject to subsection (c), the Secretary of the Navy may provide for the appointment of the chief of any staff corps established under this subsection.

(c) The Secretary of the Navy, whenever the needs of the service require, may convene a selection board under section 611(a) of this title to select an officer in the Nurse Corps or Medical Service Corps for promotion to the grade of commodore admiral or rear admiral, as appropriate. An officer so selected shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years to serve in the position, respectively, of Director of the Nurse Corps or Director of the Medical Service Corps.

(As amended Pub. L. 96-513, title III, § 351, Dec. 12, 1980, 94 Stat. 2902.)

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5589, 6027 of this title.

CHAPTER 515—COMMANDANT OF THE MARINE CORPS; HEADQUARTERS, MARINE CORPS

Sec.

5202. Assistant Commandant: detail; succession to duties.

[5206. Repealed.]

AMENDMENTS

1980—Pub. L. 96-513, title V, §§ 503(14), 513(7)(A), Dec. 12, 1980, 94 Stat. 2912, 2931, struck out "pay;" in item 5202 and struck out item 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, for a term of four years, by and with the advice and consent of the Senate, to serve at the pleasure of the President, from officers on the active-duty list of the Marine Corps, not below the rank of colonel. In time of war or national emergency declared by the Congress after December 31, 1968, he may be reappointed for a term of not more than four years.

[See main edition for text of (b) to (d)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, § 503(15), 94 Stat. 2912.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513 substituted "active-duty list" for "active list".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

§ 5202. Assistant Commandant: detail; succession to duties

(a) An officer on the active-duty list of the Marine Corps not restricted in the performance of duty may be detailed as Assistant Commandant of the Marine Corps.

[See main edition for text of (b) to (d)]

(As amended Dec. 12, 1980, Pub. L. 96-513, title V, §§ 503(15), 513(7)(B), 94 Stat. 2912, 2931.)

AMENDMENTS

1980—Pub. L. 96-513, § 513(7)(B), struck out "pay;" following "detail;" in the section catchline.

Subsec. (a). Pub. L. 96-513, § 503(15), substituted "active-duty list" for "active list".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 503(15) Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

Amendment by section 513(7)(B) of Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513.