

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5450 .....	34 U.S.C. 211e.	Aug. 7, 1947, ch. 512, § 430, 61 Stat. 881; Sept. 3, 1954, ch. 1257, § 702(a), 68 Stat. 1188.

In subsection (a) the words “In addition \* \* \* to the number of rear admirals and above authorized by titles I, II, and III and by section 413 of this Act, a total of” are omitted as surplusage. Titles I, II, and III, and section 413 of the Officer Personnel Act of 1947 prescribe the number of officers on the lineal list who may have the grade of rear admiral. Retired officers are excluded from the lineal lists and are not counted for any purpose in the computations under the cited titles and section. The source text does not affect the authorized numbers so computed; it sets up an authorized number for a category of officers not previously covered.

The limitation on reserve flag officers on active duty contained in section 430 of the Officer Personnel Act of 1947 was repealed by section 702(a) of the Reserve Officer Personnel Act of 1954.

## AMENDMENTS

1980—Pub. L. 96-513 struck out designation “(a)” before “Except in time of war or national emergency”, substituted “flag officers of the Regular Navy” for “officers of the Regular Navy in the grade of rear admiral and above”, and struck out subsec. (b) which provided that this section did not apply to fleet admirals or to retired officers ordered to temporary duty to serve on boards convened under chapter 543 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 a note under section 101 of this title.

**§ 5451. Suspension: preceding sections**

The President, during a war or national emergency, may suspend any provision of the preceding sections of this chapter. Such a suspension may not continue beyond September 30 of the fiscal year following that in which the war or national emergency ends.

(Aug. 10, 1956, ch. 1041, 70A Stat. 312; Pub. L. 94-273, § 2(3), Apr. 21, 1976, 90 Stat. 375; Pub. L. 96-513, title V, § 503(22), Dec. 12, 1980, 94 Stat. 2913; Pub. L. 102-190, div. A, title X, § 1061(a)(21), Dec. 5, 1991, 105 Stat. 1473.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5451(a) .....	34 U.S.C. 3e.	Aug. 7, 1947, ch. 512, § 426(c); added June 30, 1951, ch. 196, § 1(h), 65 Stat. 109.
5451(b) .....	34 U.S.C. 5a-1.	May 5, 1954, ch. 180, § 403 68 Stat. 70.

## AMENDMENTS

1991—Pub. L. 102-190 substituted “The President” for “(a) Except as provided in subsection (b), the President” and struck out subsec. (b) which authorized President to suspend provisions of sections 5442, 5443, and 5444 of this title only during war or national emergency declared by Congress or President after May 5, 1954.

1980—Subsec. (b). Pub. L. 96-513 struck out “relating to officers serving in grades above lieutenant in the Navy or captain in the Marine Corps” after “and 5444 of this title”.

1976—Subsec. (a). Pub. L. 94-273 substituted “September” for “June”.

## 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 a note under section 101 of this title.

**[§ 5452. Repealed. Pub. L. 96-513, title III, § 373(b), Dec. 12, 1980, 94 Stat. 2903]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 312; Sept. 2, 1958, Pub. L. 85-861, § 1(111), 72 Stat. 1491; Nov. 8, 1967, Pub. L. 90-130, § 1(17)(E), 81 Stat. 376, authorized Secretary of the Navy to prescribe number of women officers in line of Navy eligible to hold appointments in each grade above lieutenant (junior grade) and a similar number in Marine Corps eligible to hold appointments in each grade above first lieutenant.

## 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.

**[§ 5453. Repealed. Pub. L. 90-130, § 1(17)(F), Nov. 8, 1967, 81 Stat. 377]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 313; Sept. 2, 1958, Pub. L. 85-861, § 1(112), 72 Stat. 1491, placed upper limits on number of women officers on active list of Marine Corps holding permanent appointments in grades of lieutenant colonel and major and required the Secretary to make computations at least once annually of numbers of women officers authorized under this section to hold permanent appointments in such grades, with authority to make prescribed temporary increases. See section 5452 of this title.

**[§ 5454. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 313, related to rule for computations under this chapter when fraction occurs in final result. See section 12010 of this title.

## EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

**[§ 5455. Repealed. Pub. L. 97-22, § 10(b)(6)(A), July 10, 1981, 95 Stat. 137]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 313; Nov. 8, 1967, Pub. L. 90-130, § 1(17)(G), 81 Stat. 377; Dec. 12, 1980, Pub. L. 96-513, title V, § 503(23), (24), 94 Stat. 2913 as amended July 10, 1981, Pub. L. 97-22, § 10(a)(3), 95 Stat. 136, provided that no computation or determination under section 5447, 5448, 5449, or 5452 of this title could reduce the grade or pay of any officer or remove any officer from the active list.

## EFFECTIVE DATE OF REPEAL

Section 10(b) of Pub. L. 97-22 provided that the repeal is effective Sept. 15, 1981.

**[§§ 5456 to 5458. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]**

Section 5456, act Aug. 10, 1956, ch. 1041, 70A Stat. 313, related to authorized strengths of Naval Reserve and Marine Corps Reserve. See section 12001(b) of this title.

Section 5457, added Pub. L. 85-861, § 1(113)(A), Sept. 2, 1958, 72 Stat. 1491; amended Pub. L. 86-559, § 1(35), (36), June 30, 1960, 74 Stat. 273; Pub. L. 92-559, Oct. 25, 1972, 86 Stat. 1173; Pub. L. 96-107, title III, § 302(b), Nov. 9, 1979, 93 Stat. 806; Pub. L. 96-513, title III, § 313(e), title V, § 513(9)(B), Dec. 12, 1980, 94 Stat. 2892, 2931; Pub. L. 97-86, title IV, § 405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub.

L. 99-145, title V, §514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 101-189, div. A, title VII, §712, Nov. 29, 1989, 103 Stat. 1477; Pub. L. 102-190, div. A, title X, §1061(a)(22)(B), title XI, §1131(8)(A), Dec. 5, 1991, 105 Stat. 1473, 1506, related to authorized strength of Naval Reserve in officers in active status in grades above chief warrant officer, W-5. See sections 12004(a), (c), and (e)(2) and 12005(b) and (d)(2) of this title.

Section 5458, added Pub. L. 85-861, §1(113)(A), Sept. 2, 1958, 72 Stat. 1492; amended Pub. L. 86-559, §1(37)-(39), June 30, 1960, 74 Stat. 273; Pub. L. 96-107, title III, §302(c), Nov. 9, 1979, 93 Stat. 806; Pub. L. 96-513, title V, §513(9)(C), Dec. 12, 1980, 94 Stat. 2931; Pub. L. 102-190, div. A, title X, §1061(a)(22)(C), title XI, §1131(8)(A), Dec. 5, 1991, 105 Stat. 1473, 1506, related to authorized strength of Marine Corps Reserve in officers in active status in grades above chief warrant officer, W-5. See sections 12004(a), (d), (e)(2) and 12005(c), (d)(2) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

CHAPTER 535—GRADE AND RANK OF OFFICERS

- Sec.
- 5501. Navy: grades above chief warrant officer, W-5.
- 5502. Marine Corps: grades above chief warrant officer, W-5.
- 5503. Navy and Marine Corps: warrant officer grades.
- [5504 to 5507. Repealed.]
- 5508. Rank of line and staff corps officers of the Navy and officers of the Marine Corps.

AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1673(d)(2), Oct. 5, 1994, 108 Stat. 3016, struck out item 5506 “Naval Reserve and Marine Corps Reserve; officers: precedence”.

1991—Pub. L. 102-190, div. A, title XI, §1131(8)(B), Dec. 5, 1991, 105 Stat. 1506, substituted “W-5” for “W-4” in items 5501 and 5502.

1980—Pub. L. 96-513, title V, §§503(25), 513(10), Dec. 12, 1980, 94 Stat. 2913, 2932, struck out items 5504 “Lineal lists: maintenance”, 5505 “Reserve officers: change of lineal position”, and 5507 “Rear admirals: determination of upper half”.

1958—Pub. L. 85-861, §1(114)(B), Sept. 2, 1958, 72 Stat. 1493, added item 5506.

§ 5501. Navy: grades above chief warrant officer, W-5

The commissioned grades in the Navy above the grade of chief warrant officer, W-5, are the following:

- (1) Admiral.
- (2) Vice admiral.
- (3) Rear admiral.
- (4) Rear admiral (lower half).
- (5) Captain.
- (6) Commander.
- (7) Lieutenant commander.
- (8) Lieutenant.
- (9) Lieutenant (junior grade).
- (10) Ensign.

(Aug. 10, 1956, ch. 1041, 70A Stat. 314; Pub. L. 96-513, title III, §301, Dec. 12, 1980, 94 Stat. 2887; Pub. L. 97-86, title IV, §405(a), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 99-145, title V, §514(a)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 102-190, div. A, title XI, §1131(8)(A), Dec. 5, 1991, 105 Stat. 1506.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5501(a) .....	34 U.S.C. 1.	R.S. 1362; Mar. 3, 1883, ch. 97, §1 (2d par. on p. 472, as applicable to masters and junior grade lieutenants), 22 Stat. 472; Mar. 3, 1899, ch. 413, §7 (1st sentence, less proviso), 30 Stat. 1005.
	34 U.S.C. 211d(a) (as applicable to grades of admiral and vice admiral).	Aug. 7, 1947, ch. 512, §413(a) (as applicable to grades of admiral and vice admiral), 61 Stat. 875.
	34 U.S.C. 10a (1st sentence).	Aug. 7, 1947, ch. 512, §405 (1st sentence), 61 Stat. 872.
5501(b) .....	34 U.S.C. 350e (1st sentence).	July 24, 1941, ch. 320, §6 (1st sentence), 55 Stat. 604; Apr. 9, 1943, ch. 38, §1, 57 Stat. 59; Oct. 12, 1949, ch. 681, §531(b)(28), 63 Stat. 839.

The Act of July 24, 1941, ch. 320, as amended (34 U.S.C. 350 et seq.), and §413 of the Officer Personnel Act of 1947 (34 U.S.C. 211d) provide for the temporary appointment of officers to grades up to and including admiral. Staff corps officers, women officers, and reserve officers are not excluded from the operation of the provisions of the 1941 Act. Since authority exists for the appointment of officers of any category in any grade in the Navy, the existence of every grade in the several staff corps and in the Naval Reserve is recognized, and the restriction of these grades to the active list of the line is removed.

The grade of Fleet Admiral is omitted inasmuch as the law authorizing appointments in this grade was limited.

In subsection (a) the words “above the grade of chief warrant officer, W-4” are inserted for clarity.

Subsection (c) is added to make clear the fact that an officer serving in a position, such as chief of bureau, which entitles him to the rank, pay, and allowances of a rear admiral of the upper half ranks rear admirals receiving the pay and allowances of the lower half even though he has not been appointed to the grade of rear admiral or, if so appointed, is in the lower half. A statement of this fact is necessary to give full effect to 5 U.S.C. 441 which provides that chiefs of bureaus of the Navy Department and the Judge Advocate General of the Navy, while so serving, shall have “corresponding rank and shall receive the same pay and allowances \* \* \* as \* \* \* chiefs of bureaus of the War Department and the Judge Advocate General of the Army”. The rank so conferred, corresponding to the Army rank of major general, is rear admiral of the upper half. In §§5133 and 5148 of this title, based on 5 U.S.C. 441, the reference to the Army rank is eliminated and the corresponding Navy rank is substituted. The substitution is made because, as stated in the revision notes on those sections, the creation of the Department of the Air Force and the reorganization of the Department of the Army make it impracticable to continue to relate Navy Department positions to former War Department positions. This treatment of 5 U.S.C. 441 does not, however, completely cover the question of the rank, in relation to other officers in the Navy and other services, of a captain or rear admiral of the lower half who by virtue of his position becomes entitled to the rank, pay, and allowances of a rear admiral of the upper half. Under 34 U.S.C. 241a officers holding *commissions* in the grade of rear admiral rank with major generals if entitled to the pay of the upper half and with brigadier generals if entitled to the pay of the lower half. Under 5 U.S.C. 441 bureau chiefs and the Judge Advocate General rank with major generals regardless of the grade in which they hold commissions and, therefore, also rank all officers of the Navy who are ranked by major generals. This fact, obscured by the substitution of Navy rank in the codification of 5 U.S.C. 441, is set out in subsection (c).