

Sec.  
5942. Aviation commands: eligibility.  
5943. Naval shipyards.  
5944. Marine Corps officers: limitation on power to command.  
5945. Staff corps officers: limitation on power to command.  
5946. Precedence accorded commanding officers.  
5947. Requirement of exemplary conduct.  
5948. Consular powers: senior officer present afloat.  
5949. Policy as to leave and liberty.  
[5950. Repealed.]  
5951. Continuation of authority after loss of vessel or aircraft.  
5952. Marine Corps organizations on vessels: authority of officers.  
[5953 to 5955. Repealed.]

AMENDMENTS

1980—Pub. L. 96-513, title V, § 503(41), Dec. 12, 1980, 94 Stat. 2914, struck out item 5955 “Retired officers withdrawn from command”.

1968—Pub. L. 90-235, § 5(a)(4), (b)(2), Jan. 2, 1968, 81 Stat. 761, struck out item 5941 “Assignment to command: regulations”, item 5950 “Exemption from Supply Corps duties”, item 5953 “Executive officer: assignment; authority”, and item 5954 “Command: when different commands of Marine Corps and Army or Air Force join”.

[§ 5941. Repealed. Pub. L. 90-235, § 5(b)(1), Jan. 2, 1968, 81 Stat. 761]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 371, authorized President to prescribe regulations governing the assignment of officers to command fleets, subdivisions of fleets, and vessels.

§ 5942. Aviation commands: eligibility

(a) To be eligible to command an aircraft carrier or an aircraft tender, an officer must be an officer in the line of the Navy who is designated as a naval aviator or naval flight officer and who is otherwise qualified.

(b) To be eligible to command a naval aviation school, a naval air station, or a naval aviation unit organized for flight tactical purposes, an officer must be an officer in the line of the Navy designated as a naval aviator or naval flight officer.

(c) To be eligible to command a Marine Corps aviation school, a Marine Corps air station, or a Marine Corps aviation unit organized for flight tactical purposes, an officer must be an officer of the Marine Corps designated as a naval aviator or naval flight officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 371; Pub. L. 91-198, § 1(1), Feb. 26, 1970, 84 Stat. 15.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5942(a) .....	34 U.S.C. 735 (5th par.).	June 24, 1926, ch. 668, § 3 (5th par.), 44 Stat. 767.
5942(b) .....	34 U.S.C. 735 (4th par.).	June 24, 1926, ch. 668, § 3 (4th par.), 44 Stat. 767.
5942(c) .....	34 U.S.C. 735 (7th par.).	June 24, 1926, ch. 668, § 3 (7th par.), 44 Stat. 767.

The last proviso of § 8 of the Act of July 12, 1921, ch. 44 (34 U.S.C. 734), was superseded by paragraphs 4, 5, and 7 of § 3 of the Act of June 24, 1926, ch. 668 (34 U.S.C. 735), insofar as ships and activities mentioned in those paragraphs are concerned. The requirements of this section are stated as conditions of eligibility for clarity.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-198 substituted “naval flight officer” for “naval aviation observer”.

Subsecs. (b), (c). Pub. L. 91-198 inserted “or naval flight officer” after “naval aviator”.

§ 5943. Naval shipyards

Commanders of naval shipyards may be selected by the President from officers of the Navy not below the grade of commander.

(Aug. 10, 1956, ch. 1041, 70A Stat. 371.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5943 .....	34 U.S.C. 501.	R.S. 1542.

The words “Commanders of naval shipyards” are substituted for the words “commandants of the several navy yards” to conform to present terminology. The words “of the Navy” are inserted for clarity.

§ 5944. Marine Corps officers: limitation on power to command

Officers of the Marine Corps may not command vessels or naval shipyards.

(Aug. 10, 1956, ch. 1041, 70A Stat. 371.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5944 .....	34 U.S.C. 713.	R.S. 1617.

The words “of the United States” are omitted as surplusage. The word “command” is substituted for the words “exercise command over any”.

§ 5945. Staff corps officers: limitation on power to command

An officer in a staff corps may command only such activities as are appropriate to his corps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 371; Pub. L. 90-130, § 1(21), Nov. 8, 1967, 81 Stat. 380.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5945 .....	34 U.S.C. 253.	R.S. 1488; Mar. 3, 1899, ch. 413, § 7 (3d proviso of 2d sentence, and 3d sentence), 30 Stat. 1006; June 24, 1910, ch. 378, 36 Stat. 614 (3d proviso). Aug. 4, 1947, ch. 459, § 207 (1st 23 words), 61 Stat. 738; renumbered § 206, Aug. 7, 1947, ch. 512, § 433(b), 61 Stat. 881. Apr. 16, 1947, ch. 38, § 205 (proviso), 61 Stat. 48.
	34 U.S.C. 30h (1st 23 words).	
	34 U.S.C. 43d (proviso).	

The provision of § 7 of the Act of March 3, 1899 (supra), relating to relative rank is omitted as executed. The provision that the rank conferred upon staff corps officers shall not change their titles is omitted because these titles were abolished by § 405 of the Officer Personnel Act of 1947 (34 U.S.C. 10a) and the corresponding line grades substituted. The cited proviso in the Act of June 24, 1910 (34 U.S.C. 253 (proviso)) is omitted as obsolete because the officers referred to were officers of the Construction Corps which has been abolished.

The first sentence of this section is phrased so as to reflect the accepted meaning of the cited provision. 34 U.S.C. 253, as worded, if interpreted literally, could be held to prohibit, for example, the assignment of members of the Medical Service Corps, Nurse Corps, and Hospital Corps to duty under officers of the Medical Corps, despite the fact that all of these corps were es-