

time limit”, and 5153 “Naval Research Advisory Committee”, and redesignated item 5155 as item 5150.

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.

1967—Pub. L. 90-179, §2(3), Dec. 8, 1967, 81 Stat. 547, inserted reference to Judge Advocate General’s Corps in item 5148 and inserted reference to Deputy Judge Advocate General and substituted “Advocates General” for “Advocate General; succession to duties” after “Assistant Judge” in item 5149.

1966—Pub. L. 89-718, §§35(2), (5), 36, Nov. 2, 1966, 80 Stat. 1120, inserted “and Judge Advocate General” after “Bureau Chiefs” in item 5133, struck out items 5145, 5146, 5147, and 5154 which related to Bureau of Ships and the Chief, Deputy Chief, and Division Heads thereof, Bureau of Supplies and Accounts and the Chief and Deputy Chief thereof, Bureau of Yards and Docks and the Chief and Deputy Chief thereof, and Bureau of Naval Weapons and the Chief and Deputy Chief thereof, respectively, and struck out “pay,” in item 5149.

1959—Pub. L. 86-174, §§1(3), 2(4), Aug. 18, 1959, 73 Stat. 395, 396, added item 5154 and eliminated items 5136 and 5144.

§ 5131. Bureaus: names; location

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

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

(Aug. 10, 1956, ch. 1041, 70A Stat. 285; Pub. L. 86-174, §§1(1), 2(1), Aug. 18, 1959, 73 Stat. 395; Pub. L. 89-718, §35(1), Nov. 2, 1966, 80 Stat. 1120.)

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 (1st 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.

AMENDMENTS

1966—Pub. L. 89-718 struck out cls. (3) to (6) which related to the Bureau of Naval Weapons, the Bureau of Ships, the Bureau of Supplies and Accounts, and the Bureau of Yards and Docks, respectively.

1959—Pub. L. 86-174 inserted reference to Bureau of Naval Weapons and struck out reference to Bureau of Aeronautics and Bureau of Ordnance.

EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86-174, §2, Aug. 18, 1959, 73 Stat. 395, provided that the amendment of this section and section 5133 of this title and the repeal of sections 5136 and 5144 of this title shall be effective on July 1, 1960, or on any earlier date on which the Secretary of the Navy makes a formal finding that all the functions of the Bureau of Aeronautics and the Bureau of Ordnance have been

transferred to the Bureau of Naval Weapons or elsewhere.

BUREAU OF NAVAL WEAPONS; TRANSFER OF FUNDS

Pub. L. 86-174, §3, Aug. 18, 1959, 73 Stat. 396, provided that: “The unexpended balances of appropriations and funds available for use in connection with the exercise of any function transferred to the Bureau of Naval Weapons shall be transferred in the manner provided by section 407 of the National Security Act of 1947, as amended (5 U.S.C. 172f) [10 U.S.C. 126], for use in connection with the transferred functions.”

§ 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, 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. July 12, 1921, ch. 44, §8 (1st par., less 1st 37 words), 42 Stat. 140.
5132(c)	5 U.S.C. 430 (less last 39 words).	R.S. 420 (less last 39 words).
5132(d)	5 U.S.C. 431.	R.S. 430.

In subsection (a) the phrase “Except as otherwise provided by law” is added to preserve provisions directing 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.

TRANSFER OF FUNCTIONS

Transfer of functions of bureaus and reorganization, see note set out under section 5111 of this title.

§ 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.

(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 who, after serving at least two and one-half years as 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, 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.

(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, 70A Stat. 285; Pub. L. 86-174, §2(2), Aug. 18, 1959, 73 Stat. 396; Pub. L. 87-649, §14c(15), Sept. 7, 1962, 76 Stat. 501; Pub. L. 89-288, §3, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 89-718, §35(2)-(4), Nov. 2, 1966, 80 Stat. 1120; Pub. L. 96-513, title V, §503(9), Dec. 12, 1980, 94 Stat. 2911; Pub. L. 103-337, div. A, title V, §504(b)(3), (5), Oct. 5, 1994, 108 Stat. 2751.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5133(a)	5 U.S.C. 441 (less applicability to JAG).	July 1, 1918, ch. 114, 40 Stat. 717 (1st sentence on p. 717, less applicability to JAG).
	5 U.S.C. 441a (as applicable to rank, pay and allowances).	June 20, 1940, ch. 400, §1(c) (2d sentence, less applicability to retirement), 54 Stat. 493.
	5 U.S.C. 439 (last 39 words).	July 12, 1921, ch. 44, §8 (2d par., last 42 words), 42 Stat. 140.
5133(b)	5 U.S.C. 425a (as applicable to Chiefs of Bureaus).	June 22, 1938, ch. 567, 52 Stat. 839 (as applicable to Chiefs of Bureaus).
	5 U.S.C. 441a (as applicable to retirement).	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.

AMENDMENTS

1994—Pub. L. 103-337, §504(b)(5), struck out “and Judge Advocate General” after “Chiefs” in section catchline.

Subsec. (a). Pub. L. 103-337, §504(b)(3)(A), struck out “or the Judge Advocate General” after “chief of bureau” and struck out at end “Unless appointed to a higher grade under another provision of law, an officer of the Marine Corps, while serving as Judge Advocate General, has the rank of major general.”

Subsec. (b). Pub. L. 103-337, §504(b)(3)(B), struck out “or the Judge Advocate General” after “chief of bureau” in two places and “or major general, as appropriate” after “grade of rear admiral”.

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

1966—Pub. L. 89-718 inserted reference to the Judge Advocate General in section catchline, substituted “Judge Advocate General” for “Chief of the Bureau of Naval Weapons”, inserted “or the Judge Advocate General” after “chief of bureau” in subsec. (a), and “or the Judge Advocate General” after “chief of bureau” in subsec. (b).

1965—Subsec. (b). Pub. L. 89-288 permitted an officer who is serving or has served in the grade of vice admiral under section 5137(a) of this title, upon retirement, to 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 and with the retired pay based on that grade.

1962—Subsec. (a). Pub. L. 87-649 repealed provisions which prescribed the pay and allowances of a chief of bureau and of the Chief of the Bureau of Naval Weapons, in the Marine Corps. See section 202 of Title 37, Pay and Allowances of the Uniformed Services.

1959—Pub. L. 86-174 substituted “Bureau of Naval Weapons” for “Bureau of Aeronautics”.

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.

EFFECTIVE DATE OF 1962 AMENDMENTS

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1959 AMENDMENT

For effective date of amendment by Pub. L. 86-174 see note set out under section 5131 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Offices of Bureau Chiefs, see note set out under section 5111 of this title.

[§ 5134. Repealed. Pub. L. 87-649, §14c(16), Sept. 7, 1962, 76 Stat. 501]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 286, prescribed pay of deputy chiefs of bureaus. See Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

§ 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