

## PRIOR PROVISIONS

A prior 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 position of Chief of Medical Service Corps within Bureau of Medicine and Surgery, prior to repeal by Pub. L. 96-513, title III, §352(a), title VII, §701, Dec. 12, 1980, 94 Stat. 2902, 2955, eff. Sept. 15, 1981.

## REGULATIONS

Regulations required to be prescribed by amendment made by section 505 of Pub. L. 102-484 to be prescribed not later than 180 days after Oct. 23, 1992, see section 505(d) of Pub. L. 102-484, set out as a note under section 3070 of this title.

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 Repealed.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

Section, 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. 89-609, §1(6), 80 Stat. 853; Nov. 8, 1967, Pub. L. 90-130, §1(14)(A), 81 Stat. 376, established position of Director of Nurse Corps within 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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 287; Pub. L. 96-513, title V, §503(11), Dec. 12, 1980, 94 Stat. 2912.)

## 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.

## 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 a 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

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.

(Added Pub. L. 96-343, §11(a), Sept. 8, 1980, 94 Stat. 1130; amended Pub. L. 105-85, div. A, title V, §504(c)(1), Nov. 18, 1997, 111 Stat. 1725.)

#### PRIOR PROVISIONS

A prior section 5142, acts Aug. 10, 1956, ch. 1041, 70A Stat. 288; Sept. 7, 1962, Pub. L. 87-649, §14c(18), 76 Stat. 501, provided for a Chief of Chaplains in Bureau of Naval Personnel, detailed by Chief of Naval Personnel from officers on active list of the Navy in Chaplains Corps not below grade of rear admiral, prior to repeal by Pub. L. 96-343, §11(a).

#### AMENDMENTS

1997—Subsec. (b). Pub. L. 105-85 struck out “, who are not on the retired list,” after “serving on active duty”.

#### § 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 and who has served on active duty in the Chaplain Corps for at least eight years.

(Added Pub. L. 96-343, §11(a), Sept. 8, 1980, 94 Stat. 1130; amended Pub. L. 105-85, div. A, title V, §504(c)(2), Nov. 18, 1997, 111 Stat. 1725.)

#### AMENDMENTS

1997—Pub. L. 105-85 struck out “, who is not on the retired list,” after “who is on active duty”.

#### § 5143. Office of Navy Reserve: appointment of Chief

(a) ESTABLISHMENT OF OFFICE: CHIEF OF NAVY RESERVE.—There is in the executive part of the Department of the Navy, on the staff of the Chief of Naval Operations, an Office of the Navy Reserve, which is headed by a Chief of Navy Reserve. The Chief of Navy Reserve—

- (1) is the principal adviser on Navy Reserve matters to the Chief of Naval Operations; and
- (2) is the commander of the Navy Reserve Force.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Navy Reserve from flag officers of the Navy (as defined in section 5001(1)) who have had at least 10 years of commissioned service.

(2) The Secretary of Defense may not recommend an officer to the President for appoint-

ment as Chief of Navy Reserve unless the officer—

(A) is recommended by the Secretary of the Navy; and

(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

(3) An officer on active duty for service as the Chief of Navy Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

(4) Until December 31, 2006, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Navy Reserve if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

(A) the officer is qualified for service in the position; and

(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Navy Reserve is appointed for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. An officer serving as Chief of Navy Reserve may be reappointed for one additional term of up to four years.

(2) The Chief of Navy Reserve, while so serving, holds the grade of vice admiral.

(d) BUDGET.—The Chief of Navy Reserve is the official within the executive part of the Department of the Navy who, subject to the authority, direction, and control of the Secretary of the Navy and the Chief of Naval Operations, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Navy Reserve. As such, the Chief of Navy Reserve is the director and functional manager of appropriations made for the Navy Reserve in those areas.

(Added Pub. L. 104-201, div. A, title XII, §1212(b)(1), Sept. 23, 1996, 110 Stat. 2691; amended Pub. L. 106-65, div. A, title V, §554(c), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106-398, §1 [[div. A], title V, §507(b), title X, §1087(a)(18)], Oct. 30, 2000, 114 Stat. 1654, 1654A-103, 1654A-291; Pub. L. 107-314, div. A, title V, §501(a), Dec. 2, 2002, 116 Stat. 2529; Pub. L. 108-375, div. A, title V, §536(a), Oct. 28, 2004, 118 Stat. 1901; Pub. L. 109-163, div. A, title V, §515(b)(1)(F), (2), (3)(A), Jan. 6, 2006, 119 Stat. 3233, 3234; Pub. L. 112-81, div. A, title X, §1061(26), Dec. 31, 2011, 125 Stat. 1584.)

#### PRIOR PROVISIONS

A prior section 5143, 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 Bureau of Naval Personnel the position of Assistant Chief of Naval Personnel for Women, prior to repeal by Pub. L. 96-513, title III, §344(a), title VII, §701, Dec. 12, 1980, 94 Stat. 2901, 2955, effective Sept. 15, 1981.

#### AMENDMENTS

2011—Subsec. (e). Pub. L. 112-81 struck out subsec. (e). Prior to amendment, text read as follows: