

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: