

tion 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 Repealed.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 Repealed.]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