

§ 603(d), Sept. 28, 1971, 85 Stat. 362, related to President's power to make appointments under this chapter of officers in Naval Reserve and Marine Corps Reserve. See section 14301 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

CHAPTER 551—OFFICERS IN COMMAND

- Sec.
- [5941. Repealed.]
- 5942. Aviation commands: eligibility.
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- 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 Repealed.]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 Repealed.]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 L. 96-513, title V, § 503(41), Dec. 12, 1980, 94 Stat. 2914, struck out item 5955 “Retired officers withdrawn from command”.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 Repealed.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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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).
	34 U.S.C. 30h (1st 23 words).	Aug. 4, 1947, ch. 459, § 207 (1st 23 words), 61 Stat. 738; renumbered § 206, Aug. 7, 1947, ch. 512, § 433(b), 61 Stat. 881.
	34 U.S.C. 43d (proviso).	Apr. 16, 1947, ch. 38, § 205 (proviso), 61 Stat. 48.

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 established by law within the Medical Department of the Navy. The provision is not so interpreted. It is understood to restrict only the types of activities that staff corps officers may command, and not to restrict to a single corps the personnel who may be assigned to an activity commanded by a staff corps officer.

AMENDMENTS

1967—Pub. L. 90-130 struck out provision that an officer in the Nurse Corps may not exercise command.

§ 5946. Precedence accorded commanding officers

The commanding officer of a vessel or of a naval station takes precedence over all officers under his command.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5946	34 U.S.C. 246.	R.S. 1468.

The word “placed” is omitted as surplusage. The words “of war” are omitted to avoid an erroneous implication that the section does not apply to the commanding officers of noncombatant ships of the Navy. As of the date of enactment of R.S. 1468, all vessels of the Navy were “vessels of war”; the elimination of the words, therefore, preserves the purpose of the statute.

§ 5947. Requirement of exemplary conduct

All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5947	34 U.S.C. 265.	May 5, 1950, ch. 169, §7(c), 64 Stat. 146.

§ 5948. Consular powers: senior officer present afloat

In any foreign port where there is no resident consul of the United States, or on the high seas, the senior officer present afloat has the powers of a consul in relation to mariners of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5948	34 U.S.C. 217.	R.S. 1433.

The words “the senior officer present afloat” are substituted for the words “The commanding officer of any fleet, squadron, or vessel acting singly”. At the time of enactment of the Revised Statutes, the word “squadron” meant any number of vessels more than one. Today the concept of “senior officer present afloat” covers as nearly as possible the current equivalent of the original statute.

§ 5949. Policy as to leave and liberty

The commanding officer of a vessel shall favor the faithful and obedient in granting leave and liberty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5949	34 U.S.C. 220.	R.S. 1431.

The words “to exercise carefully a discrimination in” are omitted as surplusage. The words “leave and liberty” are substituted for “temporary leave of absence and liberty on shore” to conform to modern terminology.

[§ 5950. Repealed. Pub. L. 90-235, § 5(b)(1), Jan. 2, 1968, 81 Stat. 761]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 372, provided that the commanding officer of a vessel could not be required to perform the duties of an officer in the Supply Corps.

§ 5951. Continuation of authority after loss of vessel or aircraft

If the crew of any naval vessel or naval aircraft are separated from their vessel or aircraft because of its wreck, loss, or destruction, all the command and authority given to the officers of the vessel or aircraft remain in full force until the crew are discharged or reassigned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5951	34 U.S.C. 264.	May 5, 1950, ch. 169, §7(a), 64 Stat. 145.

The word “officers” is substituted for the word “officer” since the cited subsection of the Act of May 5, 1950, was intended to reenact the substance of Article 21 of the Articles for the Government of the Navy (R.S. 1624; 34 U.S.C. 1200), in which the word “officers” was used. The words “regularly” and “by competent authority” are omitted as surplusage.