

the assignment of officers to command fleets, subdivisions of fleets, and vessels.

§ 5942. Aviation commands: eligibility

(a)(1) 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.

(2) Paragraph (1) does not apply to command of a nuclear-powered aircraft carrier that has been inactivated for the purpose of permanent decommissioning and disposal.

(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; Pub. L. 113-291, div. A, title V, §507, Dec. 19, 2014, 128 Stat. 3357.)

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.
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The last proviso of § 8 of the Act of July 12, 1921, ch. 44 (34 U.S.C. 734), was superseded by paragraphs 4, 5, and 7 of § 3 of the Act of June 24, 1926, ch. 668 (34 U.S.C. 735), insofar as ships and activities mentioned in those paragraphs are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

2014—Subsec. (a). Pub. L. 113-291 designated existing provisions as par. (1) and added par. (2).

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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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 im-