

to mental, moral, and professional qualifications required to be demonstrated by officers on active list of Navy or Marine Corps in order to be promoted to grades of lieutenant (junior grade) or above in Navy or first lieutenant or above in Marine Corps. See section 624 of this title.

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.

**[§ 5863. Repealed. Pub. L. 85-861, § 36B(14), Sept. 2, 1958, 72 Stat. 1571]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 369, related to procedure before examining boards.

**[§§ 5864, 5865. Repealed. Pub. L. 96-513, title III, § 333, Dec. 12, 1980, 94 Stat. 2897]**

Section 5864, act Aug. 10, 1956, ch. 1041, 70A Stat. 370, related to discharge of officers not morally qualified. See section 630 of this title.

Section 5865, act Aug. 10, 1956, ch. 1041, 70A Stat. 370, related to effect of a failure to qualify professionally. See section 624 of this title.

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.

**[§ 5866. Repealed. Pub. L. 85-861, § 36B(15), Sept. 2, 1958, 72 Stat. 1571]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 371, related to delegation of power by President to Secretary of Navy.

**[§ 5867. Repealed. Pub. L. 96-513, title III, § 333, Dec. 12, 1980, 94 Stat. 2897]**

Section, added Pub. L. 85-861, §1(132)(A), Sept. 2, 1958, 72 Stat. 1498, required moral, professional, and physical examinations before officers of the Naval or Marine Corps Reserves could be promoted to the next higher grades. See section 624 of this title.

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.

**[CHAPTER 549—REPEALED]**

**[§§ 5891 to 5906. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(b)(2), Oct. 5, 1994, 108 Stat. 2963]**

Section 5891, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1499; amended Pub. L. 90-130, §1(20)(A), Nov. 8, 1967, 81 Stat. 379; Pub. L. 96-513, title V, §503(32), Dec. 12, 1980, 94 Stat. 2913; Pub. L. 98-525, title V, §533(e), Oct. 19, 1984, 98 Stat. 2528, related to officers in active status in Naval Reserve and Marine Corps Reserve who could be promoted under this chapter. See section 14301 et seq. of this title.

Section 5892, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1500; amended Pub. L. 96-513, title V, §503(33), Dec. 12, 1980, 94 Stat. 2914; Pub. L. 104-106, div. A, title XV, §1501(c)(27), Feb. 10, 1996, 110 Stat. 500, related to numbers of officers in each grade in Naval Reserve and Marine Corps Reserve that could be promoted. See section 14001 et seq. of this title.

Section 5893, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1500; amended Pub. L. 91-199, §2, Feb. 26, 1970, 84 Stat. 16, related to composition and procedures of selection boards. See sections 14102 and 14108(b) of this title.

Section 5894, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1501, required members of selection boards to take oaths. See section 14103 of this title.

Section 5895, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1501, related to information to be furnished to selection boards. See section 14107 of this title.

Section 5896, added Pub. L. 99-661, div. A, title V, §507(a), Nov. 14, 1986, 100 Stat. 3865, related to recommendations for promotion by selection boards. See section 14108 of this title.

A prior section 5896, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1501; amended Pub. L. 90-130, §1(20)(B), Nov. 8, 1967, 81 Stat. 379; Pub. L. 90-179, §12, Dec. 8, 1967, 81 Stat. 549; Pub. L. 96-513, title V, §503(34), Dec. 12, 1980, 94 Stat. 2914; Pub. L. 97-22, §10(b)(10)(B), July 10, 1981, 95 Stat. 137, related to officers recommended for promotion by selection boards, prior to repeal by Pub. L. 99-661, §507(a).

Section 5897, added Pub. L. 99-661, div. A, title V, §507(a), Nov. 14, 1986, 100 Stat. 3865, related to reports by selection boards listing officers recommended for promotion. See section 14109(a), (b) of this title.

A prior section 5897, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1502; amended Pub. L. 90-179, §12, Dec. 8, 1967, 81 Stat. 549; Pub. L. 96-513, title V, §503(34), Dec. 12, 1980, 94 Stat. 2914; Pub. L. 97-22, §10(b)(10)(B), July 10, 1981, 95 Stat. 137; Pub. L. 98-525, title XIV, §1405(47), Oct. 19, 1984, 98 Stat. 2625, related to reports and certifications by selection boards, prior to repeal by Pub. L. 99-661, §507(a).

Section 5898, added Pub. L. 99-661, div. A, title V, §507(a), Nov. 14, 1986, 100 Stat. 3865, related to action on reports of selection boards. See sections 14104, 14110(b), 14111(a), (b), and 14112 of this title.

A prior section 5898, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1503; amended Pub. L. 96-513, title V, §503(34), Dec. 12, 1980, 94 Stat. 2914; Pub. L. 97-22, §10(b)(10)(B), July 10, 1981, 95 Stat. 137, related to submission of reports of selection boards to the President, prior to repeal by Pub. L. 99-661, §507(a).

Section 5899, added Pub. L. 99-661, div. A, title V, §507(a), Nov. 14, 1986, 100 Stat. 3866, related to eligibility of running mates for consideration for promotion. See section 14306(b) of this title.

A prior section 5899, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1503; amended Pub. L. 86-559, §1(42), June 30, 1960, 74 Stat. 274; Pub. L. 89-275, §1, 2, Oct. 20, 1965, 79 Stat. 1010; Pub. L. 89-609, §1(14), Sept. 30, 1966, 80 Stat. 853; Pub. L. 90-130, §1(20)(C), Nov. 8, 1967, 81 Stat. 379; Pub. L. 96-513, title V, §503(35), Dec. 12, 1980, 94 Stat. 2914; Pub. L. 97-22, §10(b)(10)(B), July 10, 1981, 95 Stat. 137, related to eligibility of officers in promotion zones for consideration by selection boards, prior to repeal by Pub. L. 99-661, §507(a).

Section 5900, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1504, related to right of officer eligible for consideration for promotion to send communication to selection board. See section 14106 of this title.

Section 5901, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1504; amended Pub. L. 96-513, title V, §503(36), Dec. 12, 1980, 94 Stat. 2914, related to numbers of officers that a selection board may recommend for promotion. See section 14307 of this title.

Section 5902, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1504; amended Pub. L. 86-559, §1(43), June 30, 1960, 74 Stat. 274; Pub. L. 89-731, §§3-5, Nov. 2, 1966, 80 Stat. 1160; Pub. L. 96-513, title V, §503(37), Dec. 12, 1980, 94 Stat. 2914, related to promotion lists, eligibility of officers of Naval Reserve and Marine Corps Reserve for promotion, and date of rank. See sections 14308(a), (d) and 14311(a) of this title.

Section 5903, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1505; amended Pub. L. 90-130, §1(20)(D), Nov. 8, 1967, 81 Stat. 380; Pub. L. 99-661, div. A, title V, §507(b)(2), Nov. 14, 1986, 100 Stat. 3866, related to failure of officers of Naval Reserve and Marine Corps Reserve of selection for promotion. See section 14501 et seq. of this title.

Section 5904, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1505, related to effect of erroneous omis-

sion of name from list furnished to selection board. See section 14502 of this title.

Section 5905, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1505; amended Pub. L. 96-513, title V, §503(38), Dec. 12, 1980, 94 Stat. 2914; Pub. L. 99-661, div. A, title V, §507(b)(3), Nov. 14, 1986, 100 Stat. 3866; Pub. L. 100-456, div. A, title V, §502(a), Sept. 29, 1988, 102 Stat. 1966, related to removal of reserve officers from promotion list. See section 14310 of this title.

Section 5906, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1506; amended Pub. L. 96-513, title V, §503(39), Dec. 12, 1980, 94 Stat. 2914, related to promotion of reserve officers transferred to inactive status list. See section 14317(a) 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.

#### [§ 5907. Repealed. Pub. L. 87-649, § 14c(33), Sept. 7, 1962, 76 Stat. 501]

Section, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1506; Pub. L. 86-559, §1(44), June 30, 1960, 74 Stat. 274, related to pay and allowances of reserve officers promoted to a grade above lieutenant (junior grade) in the Naval Reserve or above first lieutenant in the Marine Corps Reserve, and is covered by section 905 of Title 37, Pay and Allowances of the Uniformed Services.

#### EFFECTIVE DATE OF REPEAL

Section repealed effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

#### [§§ 5908 to 5912. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(b)(2), Oct. 5, 1994, 108 Stat. 2963]

Section 5908, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1506; amended Pub. L. 87-649, §14c(34), Sept. 7, 1962, 76 Stat. 501, related to eligibility of ensigns in Naval Reserve and second lieutenants in Marine Corps Reserve for promotion. See section 14001 et seq. of this title.

Section 5909, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1506, provided that sea or foreign service not be required for promotion of reserve officers under this chapter.

Section 5910, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1506; amended Pub. L. 96-513, title V, §503(40), Dec. 12, 1980, 94 Stat. 2914, provided that officers in Naval Reserve and Marine Corps Reserve could be promoted under regulations prescribed by Secretary of the Navy. See section 14301 et seq. of this title.

Section 5911, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1507; amended Pub. L. 86-559, §1(45), June 30, 1960, 74 Stat. 274, related to promotions of reserve officers by temporary and permanent appointments. See section 14301 et seq. of this title.

Section 5912, added Pub. L. 85-861, §1(133), Sept. 2, 1958, 72 Stat. 1507; amended Pub. L. 92-129, title VI, §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.]

Sec.  
5942. Aviation commands: eligibility.  
5943. Naval shipyards.  
5944. Marine Corps officers: limitation on power to command.  
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)(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