

SAVINGS PROVISION

Pub. L. 86-474, § 3, May 14, 1960, 74 Stat. 146, provided that: "Except as provided by section 2 [set out as a note under this section], the amendments by section 1 [amending sections 41, 42, 44, 46, 47, 186 to 191, 222, 247(c), 365, and 462 of this title, and repealing sections 45, 48, and 49 of this title] shall not operate to change or deprive the present incumbents serving as Commandant, Assistant Commandant [now Vice Commandant], and Engineer in Chief of any rights, benefits and privileges appertaining to such offices on the day preceding the date of enactment of this Act [May 14, 1960], nor to divest them of their offices for the terms appointed."

[§ 45. Repealed. Pub. L. 86-474, § 1(4), May 14, 1960, 74 Stat. 144]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 498, related to permanent grade of Commandant on expiration of term.

§ 46. Retirement of Commandant

(a) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in section 51(d) of this title.

(b) A Commandant who is retired for physical disability shall be placed on the retired list with the grade of admiral.

(c) An officer who is retired prior to the expiration of his term, while serving as Commandant, may, in the discretion of the President, be retired with the grade of admiral.

(Aug. 4, 1949, ch. 393, 63 Stat. 499; Pub. L. 86-474, § 1(5), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, § 1(4), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, § 1(4), (5), June 9, 1966, 80 Stat. 195; Pub. L. 97-295, § 2(1), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, § 205(b)(1), July 1, 1986, 100 Stat. 699; Pub. L. 103-206, title II, § 204(a), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 114-120, title II, § 209(2), Feb. 8, 2016, 130 Stat. 40.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 161 (Jan. 12, 1923, ch. 25, § 2, 42 Stat. 1130; June 25, 1936, ch. 808, 49 Stat. 1924; June 9, 1937, ch. 309, § 1, 50 Stat. 252; June 6, 1940, ch. 257, § 1(a), 54 Stat. 246).

Provision is added for retirement of the Commandant with the grade and pay of vice admiral after 3 years service, in the discretion of the President, regardless of total length of service. Provision is also added for retirement with the grade and pay of vice admiral in case of physical disability. 81st Congress, House Report No. 557.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-120 substituted "section" for "subsection".

1993—Subsec. (a). Pub. L. 103-206 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Any Commandant who is not reappointed shall, at the expiration of his term, be retired with the grade of admiral."

1986—Pub. L. 99-348 struck out "and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant" after "admiral" in subssecs. (a) to (c).

1982—Subsec. (a). Pub. L. 97-295 substituted "Commandant" for "commandant".

1966—Subsec. (c). Pub. L. 89-444, § 1(4), removed requirement that the Commandant serve 2½ years as Commandant before being eligible for retirement with the grade of admiral and retired pay computed at the

highest rates of basic pay applicable to him while he served as Commandant.

Subsec. (d). Pub. L. 89-444, § 1(5), repealed subsec. (d) which provided that a Commandant who retired within 2½ years of the date of his original appointment as Commandant would retire in his permanent grade and with the retired pay of that grade.

1963—Subsecs. (a) to (c). Pub. L. 88-130 substituted "of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant" for "and retired pay of admiral".

1960—Pub. L. 86-474 authorized any Commandant who is not reappointed at the expiration of his term to be retired with the grade and retired pay of admiral, directed placement on the retired list with the grade and retired pay of admiral for a Commandant who is retired for physical disability, reduced from three to two and one-half years the period that the Commandant must serve before he may voluntarily apply retirement without regard to total length of service, and provided that any Commandant who retires within two and one-half years of the date of his original appointment as Commandant shall retire in his permanent grade and with the retired pay of that grade.

§ 47. Vice Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Vice Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Vice Commandant shall be selected from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendation for such appointment. The Vice Commandant shall, while so serving, have the grade of admiral with pay and allowances of that grade. The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 51(d) of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 499; Pub. L. 86-474, § 1(6), May 14, 1960, 74 Stat. 144; Pub. L. 88-130, § 1(5), (6), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, § 1(6), (7), June 9, 1966, 80 Stat. 195; Pub. L. 92-451, § 1(4), Oct. 2, 1972, 86 Stat. 755; Pub. L. 97-295, § 2(2), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-348, title II, § 205(b)(2), July 1, 1986, 100 Stat. 700; Pub. L. 103-206, title II, § 204(b)(1), Dec. 20, 1993, 107 Stat. 2421; Pub. L. 111-281, title V, § 511(f)(1), (g), Oct. 15, 2010, 124 Stat. 2952, 2953; Pub. L. 114-120, title II, §§ 201(b), 209(3), Feb. 8, 2016, 130 Stat. 33, 40.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 11a, 12 (Apr. 16, 1908, ch. 145, §§ 1, 2, 35 Stat. 61; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; Jan. 12, 1923, ch. 25, § 2, 42 Stat. 1130; May 24, 1939, ch. 148, §§ 2, 3, 53 Stat. 757; June 6, 1940, ch. 257, §§ 1(b), 3, 54 Stat. 246; July 23, 1947, ch. 301, § 2, 61 Stat. 410; May 19, 1948, ch. 305, 62 Stat. 239).

Said sections have been divided. The provisions of the proviso of title 14, U.S.C., 1946 ed., § 11a, and the first proviso of title 14, U.S.C., 1946 ed., § 12, are placed in section 48 of this title and the remainder is placed in this section.

The provisions regarding appointment of the Assistant Commandant and Engineer in Chief are coordinated, inasmuch as these positions are about equal in