

TRANSFER OF FUNCTIONS

Transfer of functions of bureaus and reorganization, see note set out under section 5111 of this title.

**[§ 5133. Repealed. Pub. L. 114-328, div. A, title V, § 502(z)(1), Dec. 23, 2016, 130 Stat. 2104]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 285; Pub. L. 86-174, §2(2), Aug. 18, 1959, 73 Stat. 396; Pub. L. 87-649, §14c(15), Sept. 7, 1962, 76 Stat. 501; Pub. L. 89-288, §3, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 89-718, §35(2)-(4), Nov. 2, 1966, 80 Stat. 1120; Pub. L. 96-513, title V, §503(9), Dec. 12, 1980, 94 Stat. 2911; Pub. L. 103-337, div. A, title V, §504(b)(3), (5), Oct. 5, 1994, 108 Stat. 2751, related to rank of, pay and allowances for, and retirement of Bureau Chiefs.

TRANSFER OF FUNCTIONS

Transfer of functions of Offices of Bureau Chiefs, see note set out under section 5111 of this title.

**[§ 5134. Repealed. Pub. L. 87-649, § 14c(16), Sept. 7, 1962, 76 Stat. 501]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 286, prescribed pay of deputy chiefs of bureaus. See Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF REPEAL

Repeal 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.

**§ 5135. Bureau Chiefs: succession to duties**

(a) When there is a vacancy in the office of chief of a bureau, or during the absence or disability of the chief of a bureau, the deputy chief of that bureau, unless otherwise directed by the President, shall perform the duties of the chief until a successor is appointed or the absence or disability ceases.

(b) When subsection (a) cannot be complied with because of the absence or disability of the deputy chief of the bureau, the heads of the major divisions of the bureau, in the order directed by the Secretary of the Navy, shall perform the duties of the chief, unless otherwise directed by the President.

(Aug. 10, 1956, ch. 1041, 70A Stat. 286.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5135(a) .....	5 U.S.C. 445 (less 1st 43 words).	Aug. 29, 1916, ch. 417, 39 Stat. 558 (3d par., 45th through 95th words).
	5 U.S.C. 446 (last 49 words).	Mar. 3, 1893, ch. 212, 27 Stat. 717 (1st par., last 53 words); May 13, 1942, ch. 303, §1, 56 Stat. 276.
	5 U.S.C. 447 (25th through 74th words).	May 4, 1898, ch. 234, §1, 30 Stat. 373 (12th par., 41st through 92d words).
	5 U.S.C. 448a.	June 20, 1940, ch. 400, §1(f), 54 Stat. 493.
	5 U.S.C. 449 (last 51 words).	July 26, 1894, ch. 165, §1, 28 Stat. 132 (3d par., last 56 words); July 11, 1919, ch. 9, 41 Stat. 147 (1st proviso).
	5 U.S.C. 452 (less 1st 35 words).	July 12, 1921, ch. 44, §8 (3d par., less 1st 35 words), 42 Stat. 140.
5135(b) .....	5 U.S.C. 432a (less applicability to JAG).	Feb. 3, 1942, ch. 35, §1 (less applicability to JAG), 56 Stat. 47.

In subsection (a) all the provisions covering succession in case of the absence of the chiefs of the various bureaus are integrated and uniformly stated.

That part of 5 U.S.C. 448a, enacted in the Act of June 20, 1940, ch. 400, §1(f), 54 Stat. 493, relating to the succession by heads of major divisions of the Bureau of Ships is superseded by the Act of Feb. 3, 1942, ch. 35, §1 (5 U.S.C. 432a).

TRANSFER OF FUNCTIONS

Transfer of functions of Offices of Bureau Chiefs, see note set out under section 5111 of this title.

**[§ 5136. Repealed. Pub. L. 86-174, §2(3), Aug. 18, 1959, 73 Stat. 396]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 286, related to appointment, qualifications and term of Chief of Bureau of Aeronautics, and authorized detail of an officer as Deputy Chief of Bureau.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1960, or any earlier date on which the Secretary of the Navy makes formal finding that all the functions of the Bureau of Aeronautics and the Bureau of Ordnance have been transferred to the Bureau of Naval Weapons or elsewhere, see note set out under section 5131 of this title.

**§ 5137. Surgeon General: appointment; duties**

(a) APPOINTMENT.—The Surgeon General of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active-duty list of the Navy in any corps of the Navy Medical Department.

(b) DUTIES.—(1) The Surgeon General serves as the Chief of the Bureau of Medicine and Surgery and serves as the principal advisor to the Secretary of the Navy and the Chief of Naval Operations on all health and medical matters of the Navy and the Marine Corps, including strategic planning and policy development relating to such matters.

(2) The Surgeon General serves as the chief medical advisor of the Navy and the Marine Corps to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Navy and the Marine Corps.

(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Navy, shall recruit, organize, train, and equip, medical personnel of the Navy and the Marine Corps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 286; Pub. L. 89-288, §4, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 96-513, title V, §503(10), Dec. 12, 1980, 94 Stat. 2912; Pub. L. 104-106, div. A, title V, §506(b), Feb. 10, 1996, 110 Stat. 296; Pub. L. 114-328, div. A, title VII, §702(b)(2)(A), Dec. 23, 2016, 130 Stat. 2195.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5137(a) .....	5 U.S.C. 432. 5 U.S.C. 438. 5 U.S.C. 440 (less applicability to Paymaster General).	R.S. 421. R.S. 426. R.S. 1471 (less applicability to Paymaster General); June 20, 1940, ch. 400, §1(a), 54 Stat. 492.
5137(b) .....	5 U.S.C. 451 (less last 10 words).	R.S. 1375 (less last 10 words); Feb. 27, 1877, ch. 69, §1, 19 Stat. 244.

In subsection (a) the words “from officers on the active list of the Navy in the Medical Corps” are substituted for the words “from the list of Surgeons of the Navy” to conform to present statutory terminology,