

below the grade of commander or from officers having the relative rank of captain in any staff corps. Pursuant to these sections the Attorney General held in 1898 that an officer having the relative rank of captain in the Civil Engineer Corps could legally be appointed as Chief of the Bureau of Yards and Docks (22 Op. Atty. Gen. 47, 17 Mar. 1898). There is some confusion in the opinion as to which corps was meant. The proposed appointee was a member of the Civil Engineer Corps, but the Corps of Engineers is the corps mentioned in the conclusion of the opinion. A provision in the Act of June 29, 1906, ch. 3590, 34 Stat. 564, requires that the Chief of the Bureau of Yards and Docks be selected from officers of the Civil Engineer Corps, so that there is no longer any question as to that bureau. The Bureau of Equipment and Recruiting has been abolished, leaving only the Bureau of Naval Personnel (formerly Navigation) and the Bureau of Ordnance of the four "line" bureaus originally listed in R.S. 422. The statutes establishing new "line" bureaus, the Bureau of Ships and the Bureau of Aeronautics, contain their own requirements as to the qualifications of the chiefs. The abolition of the Corps of Engineers and the Construction Corps, with the transfer of officers in those corps to the line, has eliminated the only staff corps whose members had duties closely related to those of line officers. The present staff corps, with the possible exception of the Supply Corps, are all highly specialized. Furthermore, in five of the seven corps, captain is no longer the highest grade. In view of these facts it is considered that the provision of R.S. 421 making staff corps captains eligible for appointment as Chief of the Bureaus of Naval Personnel and Ordnance is obsolete.

In subsection (b) the words "An officer on the active list in the line of the Navy not below the grade of commander" are substituted for the words "An officer of the Navy not below the rank of commander" to conform to current terminology and for clarity. When the source statute was enacted only line officers had the actual rank of commander. The words "on the active list" are inserted for the reasons stated in the revision note on §5137(b) of this title. The words "Deputy Chief" are substituted for the words "assistant to the Chief" for the reason stated in the revision note on §5134 of this title.

AMENDMENTS

2016—Pub. L. 114-328, §502(bb)(2), amended section catchline generally, substituting "Chief of Naval Personnel; Deputy Chief of Naval Personnel" for "Bureau of Naval Personnel; Chief of Naval Personnel; Deputy Chief of Naval Personnel".

Subsec. (a). Pub. L. 114-328, §502(bb)(1)(A), struck out first sentence which read as follows: "The Chief of the Bureau of Naval Personnel shall be known as the Chief of Naval Personnel."

Subsec. (b). Pub. L. 114-328, §502(bb)(1)(B), struck out first sentence which read as follows: "The Deputy Chief of the Bureau of Naval Personnel shall be known as the Deputy Chief of Naval Personnel."

1980—Pub. L. 96-513 substituted "active-duty list" for "active list" wherever appearing.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 5142. Chaplain Corps and Chief of Chaplains

(a) The Chaplain Corps is a staff corps of the Navy and shall be organized in accordance with regulations prescribed by the Secretary of the Navy.

(b) There is in the executive part of the Department of the Navy the office of the Chief of Chaplains of the Navy. The Chief of Chaplains shall be appointed by the President, by and with the advice and consent of the Senate, from offi-

cers of the Chaplain Corps in the grade of commander or above who are serving on active duty and who have served on active duty in the Chaplain Corps for at least eight years.

(c) An officer appointed as the Chief of Chaplains shall be appointed for a term of four years. However, the President may terminate or extend the appointment at any time.

(d)(1) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Navy and by law.

(2) The Chief of Chaplains shall, with respect to all duties pertaining to the procurement, distribution, and support of personnel of the Chaplain Corps, report to and be supported by the Chief of Naval Personnel.

(Added Pub. L. 96-343, §11(a), Sept. 8, 1980, 94 Stat. 1130; amended Pub. L. 105-85, div. A, title V, §504(c)(1), Nov. 18, 1997, 111 Stat. 1725; Pub. L. 114-328, div. A, title V, §502(cc), Dec. 23, 2016, 130 Stat. 2105.)

PRIOR PROVISIONS

A prior section 5142, acts Aug. 10, 1956, ch. 1041, 70A Stat. 288; Sept. 7, 1962, Pub. L. 87-649, §14c(18), 76 Stat. 501, provided for a Chief of Chaplains in Bureau of Naval Personnel, detailed by Chief of Naval Personnel from officers on active list of the Navy in Chaplains Corps not below grade of rear admiral, prior to repeal by Pub. L. 96-343, §11(a).

AMENDMENTS

2016—Subsec. (e). Pub. L. 114-328 struck out subsec. (e) which read as follows: "The Chief of Chaplains of the Navy is entitled to the same rank and privileges of retirement as provided for chiefs of bureaus in section 5133 of this title."

1997—Subsec. (b). Pub. L. 105-85 struck out " , who are not on the retired list," after "serving on active duty".

§ 5142a. Deputy Chief of Chaplains

The Secretary of the Navy may detail as the Deputy Chief of Chaplains an officer of the Chaplain Corps in the grade of commander or above who is on active duty and who has served on active duty in the Chaplain Corps for at least eight years.

(Added Pub. L. 96-343, §11(a), Sept. 8, 1980, 94 Stat. 1130; amended Pub. L. 105-85, div. A, title V, §504(c)(2), Nov. 18, 1997, 111 Stat. 1725.)

AMENDMENTS

1997—Pub. L. 105-85 struck out " , who is not on the retired list," after "who is on active duty".

§ 5143. Office of Navy Reserve: appointment of Chief

(a) ESTABLISHMENT OF OFFICE: CHIEF OF NAVY RESERVE.—There is in the executive part of the Department of the Navy, on the staff of the Chief of Naval Operations, an Office of the Navy Reserve, which is headed by a Chief of Navy Reserve. The Chief of Navy Reserve—

- (1) is the principal adviser on Navy Reserve matters to the Chief of Naval Operations; and
- (2) is the commander of the Navy Reserve Force.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Navy Reserve from flag officers of the Navy (as defined in section 5001(1))