

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.

(e) The Chief of Chaplains, while so serving, holds the grade of rear admiral (upper half).

(Added Pub. L. 96-343, §11(a), Sept. 8, 1980, 94 Stat. 1130, §5142; 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; renumbered §8082 and amended Pub. L. 115-232, div. A, title V, §510(b), title VIII, §807(a)(2), Aug. 13, 2018, 132 Stat. 1751, 1834.)

AMENDMENTS

2018—Pub. L. 115-232, §807(a)(2), renumbered section 5142 of this title as this section.

Subsec. (e). Pub. L. 115-232, §510(b), added subsec. (e). 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”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 807(a)(2) of Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8082a. 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, §5142a; amended Pub. L. 105-85, div. A, title V, §504(c)(2), Nov. 18, 1997, 111 Stat. 1725; renumbered §8082a, Pub. L. 115-232, div. A, title VIII, §807(a)(2), Aug. 13, 2018, 132 Stat. 1834.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5142a of this title as this section.

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

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8083. 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 8001(1)) who have had at least 10 years of commissioned service.

(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Navy Reserve unless the officer—

(A) is recommended by the Secretary of the Navy; and

(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

(3) An officer on active duty for service as the Chief of Navy Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

(4) Until December 31, 2006, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Navy Reserve if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

(A) the officer is qualified for service in the position; and

(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

(c) TERM; REAPPOINTMENT.—The Chief of Navy Reserve is appointed for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. An officer serving as Chief of Navy Reserve may be reappointed for one additional term of up to four years.

(d) BUDGET.—The Chief of Navy Reserve is the official within the executive part of the Department of the Navy who, subject to the authority, direction, and control of the Secretary of the Navy and the Chief of Naval Operations, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Navy Reserve. As such, the Chief of Navy Reserve is the director and functional manager of appropriations made for the Navy Reserve in those areas.

(Added Pub. L. 104-201, div. A, title XII, §1212(b)(1), Sept. 23, 1996, 110 Stat. 2691, §5143; amended Pub. L. 106-65, div. A, title V, §554(c), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106-398, §1 [[div. A], title V, §507(b), title X, §1087(a)(18)], Oct. 30, 2000, 114 Stat. 1654, 1654A-103, 1654A-291; Pub. L. 107-314, div. A, title V, §501(a), Dec. 2, 2002, 116 Stat. 2529; Pub. L. 108-375, div. A, title V, §536(a), Oct. 28, 2004, 118 Stat. 1901; Pub. L. 109-163, div.

A, title V, §515(b)(1)(F), (2), (3)(A), Jan. 6, 2006, 119 Stat. 3233, 3234; Pub. L. 112-81, div. A, title X, §1061(26), Dec. 31, 2011, 125 Stat. 1584; Pub. L. 114-328, div. A, title V, §502(dd), Dec. 23, 2016, 130 Stat. 2105; renumbered §8083 and amended Pub. L. 115-232, div. A, title VIII, §§807(a)(2), 809(a), Aug. 13, 2018, 132 Stat. 1834, 1840.)

AMENDMENTS

2018—Pub. L. 115-232, §807(a)(2), renumbered section 5143 of this title as this section.

Subsec. (b)(1). Pub. L. 115-232, §809(a), substituted “section 8001(1)” for “section 5001(1)”.

2016—Subsec. (c). Pub. L. 114-328, in heading, struck out “; Grade” after “Reappointment”, and in text, struck out par. (1) designation before “The Chief of Navy Reserve” and struck out par. (2) which read as follows: “The Chief of Navy Reserve, while so serving, holds the grade of vice admiral.”

2011—Subsec. (e). Pub. L. 112-81 struck out subsec. (e). Prior to amendment, text read as follows:

“(1) The Chief of Navy Reserve shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Navy Reserve and the ability of the Navy Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Naval Operations and may be submitted in classified and unclassified versions.

“(2) The Secretary of Defense shall transmit the annual report of the Chief of Navy Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.”

2006—Pub. L. 109-163, §515(b)(3)(A), substituted “Navy Reserve” for “Naval Reserve” in section catchline.

Pub. L. 109-163, §515(b)(1)(F), substituted “Navy Reserve” for “Naval Reserve” wherever appearing in text.

Subsec. (a). Pub. L. 109-163, §515(b)(2), substituted “NAVY RESERVE” for “NAVAL RESERVE” in heading.

2004—Subsec. (b)(4). Pub. L. 108-375 substituted “December 31, 2006” for “December 31, 2004”.

2002—Subsec. (b)(4). Pub. L. 107-314 substituted “December 31, 2004” for “October 1, 2003” in introductory provisions.

2000—Subsec. (b). Pub. L. 106-398, §1 [[div. A], title V, §507(b)], amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “The President, by and with the advice and consent of the Senate, shall appoint the Chief of Naval Reserve from officers who—

“(1) have had at least 10 years of commissioned service;

“(2) are in a grade above captain; and

“(3) have been recommended by the Secretary of the Navy.”

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title V, §507(b)], amended heading and text of subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(c) GRADE.—(1) The Chief of Naval Reserve holds office for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. He is eligible to succeed himself.

“(2) The Chief of Naval Reserve, while so serving, has the grade of rear admiral, without vacating the officer’s permanent grade. However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of vice admiral.”

Subsec. (c)(2). Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(18)], substituted “has the grade of” for “has a grade”.

1999—Subsec. (c)(2). Pub. L. 106-65 substituted “rear admiral” for “above rear admiral (lower half)” and inserted at end “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of vice admiral.”

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and

special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Amendment by Pub. L. 106-65 effective 60 days after Oct. 5, 1999, with special provision for an officer who is a covered position incumbent who is appointed under that amendment to the grade of lieutenant general or vice admiral, see section 554(g), (h) of Pub. L. 106-65, set out as a note under section 7038 of this title.

§ 8084. Office of Marine Forces Reserve: appointment of Commander

(a) ESTABLISHMENT OF OFFICE; COMMANDER, MARINE FORCES RESERVE.—There is in the executive part of the Department of the Navy an Office of the Marine Forces Reserve, which is headed by the Commander, Marine Forces Reserve. The Commander, Marine Forces Reserve, is the principal adviser to the Commandant on Marine Forces Reserve matters.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Commander, Marine Forces Reserve, from general officers of the Marine Corps (as defined in section 8001(2)) who have had at least 10 years of commissioned service.

(2) The Secretary of Defense may not recommend an officer to the President for appointment as Commander, Marine Forces Reserve, unless the officer—

(A) is recommended by the Secretary of the Navy; and

(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

(3) An officer on active duty for service as the Commander, Marine Forces Reserve, shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

(4) Until December 31, 2006, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Commander, Marine Forces Reserve, if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

(A) the officer is qualified for service in the position; and

(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

(c) TERM; REAPPOINTMENT.—The Commander, Marine Forces Reserve, is appointed for a term determined by the Commandant of the Marine Corps, normally four years, but may be removed for cause at any time. An officer serving as Commander, Marine Forces Reserve, may be reappointed for one additional term of up to four years.

(d) ANNUAL REPORT.—The Commander, Marine Forces Reserve, shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Marine Corps Reserve and the ability of the Marine Corps Reserve to meet its missions. The report shall be