

those sections, the creation of the Department of the Air Force and the reorganization of the Department of the Army make it impracticable to continue to relate Navy Department positions to former War Department positions. This treatment of 5 U.S.C. 441 does not, however, completely cover the question of the rank, in relation to other officers in the Navy and other services, of a captain or rear admiral of the lower half who by virtue of his position becomes entitled to the rank, pay, and allowances of a rear admiral of the upper half. Under 34 U.S.C. 241a officers holding *commissions* in the grade of rear admiral rank with major generals if entitled to the pay of the upper half and with brigadier generals if entitled to the pay of the lower half. Under 5 U.S.C. 441 bureau chiefs and the Judge Advocate General rank with major generals regardless of the grade in which they hold commissions and, therefore, also rank all officers of the Navy who are ranked by major generals. This fact, obscured by the substitution of Navy rank in the codification of 5 U.S.C. 441, is set out in subsection (c).

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5501 of this title as this section.

1991—Pub. L. 102–190 substituted “W–5” for “W–4” in section catchline and text.

1985—Par. (4), Pub. L. 99–145 substituted “Rear admiral (lower half)” for “Commodore”.

1981—Par. (4), Pub. L. 97–86 substituted “Commodore” for “Commodore admiral”.

1980—Pub. L. 96–513 struck out subsec. (a) designation from provisions formerly classified as such and, as so redesignated, inserted commodore admiral in the listing of commissioned grades above the grade of chief warrant officer, W–4 and struck out former subsecs. (b) and (c) which related to the grades of commodore and rear admiral, respectively.

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 1991 AMENDMENT

Amendment by Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97–86, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96–513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

TRANSITION PROVISIONS OF DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For transition provisions relating to the new commodore admiral grade established in the Navy, see section 614 of Pub. L. 96–513, set out as a note under section 611 of this title.

§ 8112. Marine Corps: grades above chief warrant officer, W–5

The commissioned grades in the Marine Corps above the grade of chief warrant officer, W–5, are:

- (1) General.
- (2) Lieutenant general.

- (3) Major general.
- (4) Brigadier general.
- (5) Colonel.
- (6) Lieutenant colonel.
- (7) Major.
- (8) Captain.
- (9) First lieutenant.
- (10) Second lieutenant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 314, § 5502; Pub. L. 102–190, div. A, title XI, § 1131(8)(A), Dec. 5, 1991, 105 Stat. 1506; renumbered § 8112, Pub. L. 115–232, div. A, title VIII, § 807(b)(2), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5502	34 U.S.C. 651. 34 U.S.C. 629.	R.S. 1603. July 1, 1918, ch. 114, 40 Stat. 715 (1st par.).
	34 U.S.C. 623b(a) (as applicable to grade of lieutenant general).	Aug. 7, 1947, ch. 512, § 415(a) (as applicable to grade of lieutenant general), 61 Stat. 876.
	34 U.S.C. 622 (as applicable to grade of general).	Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10; Aug. 7, 1947, ch. 512, § 429 (as applicable to grade of general), 61 Stat. 880.

R.S. 1603 provides that officers of the Marine Corps shall be on the same footing as officers of similar grades in the Army. Recognition is made of the grades existing in the Army for the purpose of listing the grades authorized for the Marine Corps.

The provisions of the Act of July 1, 1918, ch. 114, 40 Stat. 715 (1st par.), pertaining to the appointment of a major general in addition to the Major General Commandant and a temporary major general were superseded by the Act of May 29, 1934, ch. 367, § 2, 48 Stat. 812, which in turn was repealed by § 436(e) of the Officer Personnel Act of 1947, 61 Stat. 882.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5502 of this title as this section.

1991—Pub. L. 102–190 substituted “W–5” for “W–4” in section catchline and text.

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 1991 AMENDMENT

Amendment by Pub. L. 102–190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102–190, set out as a note under section 521 of this title.

§ 8113. Navy and Marine Corps: warrant officer grades

The warrant officer grades in the Navy and the Marine Corps are:

- (1) Chief warrant officer, W–5.
- (2) Chief warrant officer, W–4.
- (3) Chief warrant officer, W–3.
- (4) Chief warrant officer, W–2.
- (5) Warrant officer, W–1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 314, § 5503; Pub. L. 102–190, div. A, title XI, § 1131(9), Dec. 5, 1991, 105 Stat. 1506; renumbered § 8113, Pub. L. 115–232, div. A, title VIII, § 807(b)(2), Aug. 13, 2018, 132 Stat. 1834.)