

ally”, 5595 “Regular Marine Corps: restriction on appointments of former midshipmen and cadets”, 5597 “Navy and Marine Corps: temporary appointments in time of war or national emergency”, 5598 “Naval Reserve and Marine Corps Reserve: temporary appointments in time of war or national emergency”, 5599 “Medical Corps: acting appointments for temporary service”, and 5601 “Naval Reserve: Nurse Corps: men”.

1967—Pub. L. 90-179, §5(5), Dec. 8, 1967, 81 Stat. 548, added items 5578a and 5587a.

1961—Pub. L. 87-123, §5(9), Aug. 3, 1961, 75 Stat. 265, struck out item 5588 “Regular Marine Corps: officers designated for supply duty”.

1958—Pub. L. 85-861, §1(118)(B), (121)(B), Sept. 2, 1958, 72 Stat. 1493, 1495, added items 5573a, 5600, and 5601.

### § 8132. Regular Navy: transfers, line and staff corps

(a) A regular officer of the Navy in a staff corps in a grade not above lieutenant commander may be appointed in the line of the Navy to the same grade.

(b) A regular officer in the line of the Navy in a grade not above lieutenant commander may be appointed to the same grade in a staff corps under regulations prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 324, §5582; Pub. L. 96-513, title III, §373(d), Dec. 12, 1980, 94 Stat. 2903; renumbered §8132, Pub. L. 115-232, div. A, title VIII, §807(b)(4), Aug. 13, 2018, 132 Stat. 1834.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5582(a) .....	34 U.S.C. 14 (less statement of appointing authority).	July 22, 1935, ch. 402, §7 (less statement of appointing authority), 49 Stat. 490.
5582(b) .....	34 U.S.C. 13 (less statement of appointing authority).	July 22, 1935, ch. 402, §6 (less statement of appointing authority), 49 Stat. 490.

The words “active list” are inserted so that this section will apply only to officers of the Regular Navy holding permanent appointments in grades above commissioned warrant officer, as this was the intent of the source statute. The words “same grade” are substituted for the words “corresponding rank and grade” in subsection (a) and for the words “corresponding grade” in subsection (b), since, under §405 of the Officer Personnel Act of 1947 (34 U.S.C. 10a), the grades in the staff corps are the same as those in the line. The words “transfer and” and “transferred and” are omitted as surplusage.

In subsection (a) the words “and precedence in the line” are omitted as surplusage.

In subsection (b) reference to the Construction Corps is omitted because that corps was abolished by the Act of June 25, 1940, ch. 420, §1, 54 Stat. 528.

The word “male” is inserted in both subsections to limit their application to men. Authority to appoint women is covered in §5590 of this title.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5582 of this title as this section.

1980—Subsec. (a). Pub. L. 96-513 substituted “A regular officer” for “Any male officer on the active list” and “in the line” for “to the active list in the line” and deleted provision assigning an officer so appointed the lineal position he would have held had he originally been appointed in and had he remained in the line and provision that such an officer was to be considered an additional number in each grade in which he served.

Subsec. (b). Pub. L. 96-513 substituted “A regular officer” for “Any male officer on the active list” and “the

same grade in a staff corps under regulations prescribed by the Secretary of Defense” for “the active list of the Navy in the Supply Corps or the Civil Engineer Corps, in the same grade, without regard to his age.”

#### 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 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.

### § 8135. Regular Marine Corps: order of filling vacancies in grade of second lieutenant

Vacancies on the active-duty list of the Marine Corps in the grade of second lieutenant shall be filled, so far as practicable, first, from members of the graduating class of the Naval Academy; second, from meritorious noncommissioned officers of the Regular Marine Corps; and third, from other persons.

(Aug. 10, 1956, ch. 1041, 70A Stat. 324, §5585; Pub. L. 96-513, title V, §503(29), Dec. 12, 1980, 94 Stat. 2913; renumbered §8135, Pub. L. 115-232, div. A, title VIII, §807(b)(4), Aug. 13, 2018, 132 Stat. 1834.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5585 .....	34 U.S.C. 634.	Mar. 3, 1899, ch. 413, §19, 30 Stat. 1008; Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (1st proviso in 5th par., 48th word to end of proviso).

The words “from other persons” are substituted for the words “from civil life” because 34 U.S.C. 1020e authorizes the appointment of graduates of the NROTC program as well as of other persons in civil life. Such graduates are, properly, persons in “civil life”, since they are members of the Naval Reserve who are not on active duty. However, since the status of members of the NROTC is not always clear, the statement of the class is expanded.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5585 of this title as this section.

1980—Pub. L. 96-513 substituted “active-duty list” for “active list”.

#### 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 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.

### § 8137. Regular Navy: officers designated for engineering duty, aeronautical engineering duty, and special duty

(a) Persons may be originally appointed in the line of the Navy as regular officers designated

for engineering duty, aeronautical engineering duty, or special duty.

(b) With the approval of the Secretary, a regular officer in the line of the Navy may, upon his application, be designated for engineering duty, aeronautical engineering duty, or special duty.

(c) The types of engineering duty for which officers may be designated include ship engineering and ordnance engineering. The types of aeronautical engineering duty for which officers may be designated include aeronautical engineering and aviation maintenance. The types of special duty for which officers may be designated include communications, law, naval intelligence, photography, public affairs, psychology, geophysics, cryptography, and hydrography.

(d) Officers designated for engineering duty, aeronautical engineering duty, or special duty shall perform sea or shore duty appropriate to their special qualifications but may not succeed to command except on shore and then only as authorized by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 325, §5587; Pub. L. 90-179, §5(2), Dec. 8, 1967, 81 Stat. 547; Pub. L. 90-386, §1(5), July 5, 1968, 82 Stat. 293; Pub. L. 96-513, title III, §324, Dec. 12, 1980, 94 Stat. 2893; renumbered §8137, Pub. L. 115-232, div. A, title VIII, §807(b)(4), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5587 .....	34 U.S.C. 77 (less statement of appointing authority). 34 U.S.C. 71, 73.	Aug. 7, 1947, ch. 512, § 408 (less statement of appointing authority), 61 Stat. 873. Aug. 29, 1916, ch. 417, 39 Stat. 580 (words preceding 3d proviso of 1st par. under "Officers for Engineering Duty Only"); May 11, 1928, ch. 522, 45 Stat. 498. Aug. 7, 1947, ch. 512, § 402(a), (c), 61 Stat. 870.
	34 U.S.C. 78 (less (b)).	Aug. 7, 1947, ch. 512, § 403 (less (b)), 61 Stat. 870.
	34 U.S.C. 211b (less (b)).	Aug. 7, 1947, ch. 512, § 401 (less (b)), 61 Stat. 869.

In subsection (a) the word "annually" and the words "and regularly commission" are omitted as surplusage. The word "male" is inserted in subsection (a) to limit the application of the appointing authority in this subsection to men. Authority to appoint women is covered in §5590 of this title.

In subsection (b) the words "on the active list" are inserted in order to exclude reserve and temporary officers, which is the intention of Congress determined from the use of the words "additional numbers in grade" and "percentage of officers on the active list" which apply only to regular officers holding permanent appointments. In the same subsection and in subsections (c) and (d) the provisions of the law that these officers are assigned to a certain duty and then "described and known as officers designated" for that duty have been written simply as providing that these officers may be "designated" for that duty. This is done as there is no apparent reason for any distinction between these officers and those appointed under subsection (a). In subsection (c) the words "specialized duties in the fields of" are omitted as surplusage.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5587 of this title as this section.

1980—Subsec. (a). Pub. L. 96-513, §324(a), substituted provision allowing the appointment of "persons" in the

line of the Navy as regular officers for provision allowing the appointment of males only to the active list in the line of the Navy as officers, struck out provision specifying the rank designation of appointees, and struck out provision limiting the number of appointments under subsec. (a) to the number of vacancies that the Secretary of the Navy estimated would occur in a particular fiscal year in the grades and designations concerned.

Subsec. (b). Pub. L. 96-513, §324(b), substituted "a regular officer" for "any officer on the active list".

Subsec. (c). Pub. L. 96-513, §324(c), substituted "public affairs, psychology, geophysics, cryptography" for "public information, psychology".

Subsec. (d). Pub. L. 96-513, §324(d), struck out "are additional numbers in grade. They" after "special duty".

1968—Subsec. (c). Pub. L. 90-386 enumerated the types of engineering duty and aeronautical engineering duty for which officers may be designated.

1967—Subsec. (c). Pub. L. 90-179 struck out "law," after "communications,".

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 1980 AMENDMENT

Amendment of 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.

§ 8138. Regular Marine Corps: judge advocates

With the approval of the Secretary of the Navy, any regular officer on the active-duty list of the Marine Corps who is qualified under section 827(b) of this title may, upon his application, be designated as a judge advocate.

(Added Pub. L. 90-179, §5(3), Dec. 8, 1967, 81 Stat. 548, §5587a; amended Pub. L. 96-513, title V, §503(30), Dec. 12, 1980, 94 Stat. 2913; renumbered §8138, Pub. L. 115-232, div. A, title VIII, §807(b)(4), Aug. 13, 2018, 132 Stat. 1834.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5587a of this title as this section.

1980—Pub. L. 96-513 struck out designation "(a)" before "With the approval of the Secretary", substituted "active-duty list" for "active list", and struck out subsec. (b) which provided that, for the purposes of determining lineal position, permanent grade, seniority in permanent grade, and eligibility for promotion, a person appointed to the active list of the Marine Corps with a view to designation as a judge advocate could be credited with the amount of service prescribed by the Secretary of the Navy, but not more than three years.

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 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.

§ 8139. Regular Navy and Regular Marine Corps: officers designated for limited duty

(a) Original appointments as regular officers of the Navy in a grade below lieutenant com-