

cal Corps, Pay Corps, or Engineer Corps. Section 405 of the Officer Personnel Act of 1947 (34 U.S.C. 10a) abolished the grade of surgeon and other staff corps grades and replaced them with grades having the same titles as the grades and ranks in the line. Officers who were “surgeons” are now “lieutenant commanders and lieutenants in the Medical Corps.” If this literal translation is made in R.S. 426 and the eligibility of all staff corps captains, as stated in R.S. 421, is retained, an absurd result is reached; i.e., lieutenants, lieutenant commanders, and captains in the Medical Corps are eligible for appointment as Chief of the Bureau of Medicine and Surgery; but commanders and rear admirals in that corps are ineligible; captains, but not rear admirals, in other staff corps are eligible by virtue of their rank alone, regardless of their lack of training in medicine. It appears, therefore, that the only reasonable meaning that can be given to R.S. 421 and 426 at the present time is that the Chief of the Bureau of Medicine and Surgery must be an officer of the Medical Corps.

In subsection (b) the words “Deputy Chief of the Bureau” are substituted for the words “assistant to the Bureau” for uniformity. The words “An officer on the active list of the Navy in the Medical Corps” are substituted for the words “A surgeon, assistant surgeon, or passed assistant surgeon” to conform to present statutory terminology and to describe clearly the class of officers eligible for detail under this subsection. When the source statute was enacted there was no class of officers exactly corresponding to officers of the present Naval Reserve, and retired officers could be called to active duty only in time of war, so that the detailing of an officer not on the active list as assistant to the bureau chief was probably not contemplated. Further, since the assistant or deputy must at times perform the duties of the chief, it is reasonable to assume that he was intended to be in the same category of officers. Later statutes relating to the Assistant Chiefs of the Bureau of Aeronautics and the Bureau of Ships, enacted at a time when there were Reserve officers and when retired officers could be called to duty at any time with their consent, specify that the assistant chiefs shall be officers on the active list.

#### PRIOR PROVISIONS

A prior section 8077, act Aug. 10, 1956, ch. 1041, 70A Stat. 496, related to composition of Air National Guard of United States, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(3)(A), 1691, Oct. 5, 1994, 108 Stat. 2980, 3026, effective Dec. 1, 1994. See section 10111 of this title.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5137 of this title as this section.

2016—Pub. L. 114-328 amended section generally. Prior to amendment, section related to Chief and Deputy Chief of the Bureau of Medicine and Surgery.

1996—Subsec. (a). Pub. L. 104-106, §506(b)(1), substituted “in any corps of the Navy Medical Department” for “in the Medical Corps”.

Subsec. (b). Pub. L. 104-106, §506(b)(2), substituted “who is qualified to be the Chief of the Bureau of Medicine and Surgery” for “in the Medical Corps”.

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

1965—Subsec. (a). Pub. L. 89-288 provided the Surgeon General, while so serving, with 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 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.

### § 8078. Bureau of Medicine and Surgery: Dental Corps; Chief; functions

(a) An officer of the Dental Corps shall be detailed as Chief of the Dental Corps.

(b) The Chief of the Dental Corps is entitled to the same privileges of retirement as provided for chiefs of bureaus in section 5133<sup>1</sup> of this title.

(c) All matters relating to dentistry shall be referred to the Chief of the Dental Corps.

(d) The Chief of the Dental Corps shall—

(1) establish professional standards and policies for dental practice;

(2) initiate and recommend action pertaining to complements, strength, appointments, advancement, training assignment, and transfer of dental personnel; and

(3) serve as the advisor for the Bureau on all matters relating directly to dentistry.

(Aug. 10, 1956, ch. 1041, 70A Stat. 286, §5138; Pub. L. 87-649, §14c(17), Sept. 7, 1962, 76 Stat. 501; Pub. L. 96-513, title III, §342, Dec. 12, 1980, 94 Stat. 2901; Pub. L. 97-86, title IV, §405(b)(1), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 99-145, title V, §514(b)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 109-364, div. A, title V, §593(a)-(d)(1), Oct. 17, 2006, 120 Stat. 2234; Pub. L. 114-328, div. A, title V, §502(aa), Dec. 23, 2016, 130 Stat. 2105; renumbered §8078, Pub. L. 115-232, div. A, title VIII, §807(a)(2), Aug. 13, 2018, 132 Stat. 1834.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5138 .....	5 U.S.C. 456b.	Dec. 28, 1945, ch. 604, §2, 59 Stat. 666.
	5 U.S.C. 456c.	Dec. 28, 1945, ch. 604, §3, 59 Stat. 666; Aug. 7, 1947, ch. 512, §427, 61 Stat. 880; Oct. 18, 1951, ch. 513, 65 Stat. 450.

#### REFERENCES IN TEXT

Section 5133 of this title, referred to in subsec. (b), was repealed by Pub. L. 114-328, div. A, title V, §502(z)(1), Dec. 23, 2016, 130 Stat. 2104.

#### PRIOR PROVISIONS

A prior section 8078, act Aug. 10, 1956, ch. 1041, 70A Stat. 496, provided that Air National Guard is component of Air Force when in service of United States, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(3)(A), 1691, Oct. 5, 1994, 108 Stat. 2980, 3026, effective Dec. 1, 1994. See section 10112 of this title.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5138 of this title as this section.

2016—Subsec. (a). Pub. L. 114-328, §502(aa)(1), struck out “not below the grade of rear admiral (lower half)” after “officer of the Dental Corps”.

Subsec. (c). Pub. L. 114-328, §502(aa)(2), struck out first sentence which read as follows: “The dental functions of the Bureau of Medicine and Surgery shall be defined and prescribed by Bureau directives, and if necessary by regulations of the Secretary of the Navy, so that all such functions are under the direction of the Dental Corps.”

2006—Pub. L. 109-364, §593(d)(1), substituted “Dental Corps” for “Dental Division” in section catchline.

Subsec. (a). Pub. L. 109-364, §593(a)(1), substituted “Chief of the Dental Corps” for “Chief of the Dental Division” and struck out first sentence which read as fol-

<sup>1</sup> See References in Text note below.

lows: “There is a Dental Division in the Bureau of Medicine and Surgery.”

Subsec. (b). Pub. L. 109-364, §593(a)(2), substituted “Dental Corps” for “Dental Division”.

Subsec. (c). Pub. L. 109-364, §593(c), substituted “shall be defined” for “shall be so defined” and “so that all such functions are” for “that all such functions will be”.

Pub. L. 109-364, §593(a)(3), substituted “Dental Corps” for “Dental Division” in first sentence and “the Chief of the Dental Corps” for “that Division” in second sentence.

Subsec. (d). Pub. L. 109-364, §593(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The Dental Division shall—

“(1) establish professional standards and policies for dental practice;

“(2) conduct inspections and surveys for maintenance of such standards;

“(3) initiate and recommend action pertaining to complements, appointments, advancement, training assignment, and transfer of dental personnel; and

“(4) serve as the advisory agency for the Bureau on all matters relating directly to dentistry.”

1985—Subsec. (a). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1981—Subsec. (a). Pub. L. 97-86 substituted “commodore” for “commodore admiral”.

1980—Subsec. (a). Pub. L. 96-513 substituted “not below the grade of commodore admiral” for “in the grade of rear admiral”.

1962—Subsec. (b). Pub. L. 87-649 struck out “pay, allowances, and” after “entitled to the same”. See Title 37, Pay and Allowances of the Uniformed Services.

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 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.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 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.

**§ 8079. Appointment of chiropractors in the Medical Service Corps**

Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.

(Added Pub. L. 102-484, div. A, title V, §505(b)(1), Oct. 23, 1992, 106 Stat. 2404, §5139; renumbered §8079, Pub. L. 115-232, div. A, title VIII, §807(a)(2), Aug. 13, 2018, 132 Stat. 1834.)

PRIOR PROVISIONS

Prior sections 8079 and 8080 were repealed by Pub. L. 103-337, div. A, title XVI, §§1661(a)(3)(A), 1691, Oct. 5, 1994, 108 Stat. 2980, 3026, effective Dec. 1, 1994.

Section 8079, act Aug. 10, 1956, ch. 1041, 70A Stat. 496, related to status of Air National Guard of United

States when not in Federal service. See section 10113 of this title.

Section 8080, added Pub. L. 86-603, §1(3)(A), July 7, 1960, 74 Stat. 357, related to authority of officers of Air National Guard of United States with respect to Federal status. See section 10215 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5139 of this title as this section.

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.

REGULATIONS

Regulations required to be prescribed by amendment made by section 505 of Pub. L. 102-484 to be prescribed not later than 180 days after Oct. 23, 1992, see section 505(d) of Pub. L. 102-484, set out as a note under section 7070 of this title.

**§ 8081. Chief of Naval Personnel; Deputy Chief of Naval Personnel**

(a) The Chief of Naval Personnel 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 in the line of the Navy not below the grade of commander.

(b) An officer on the active-duty list in the line of the Navy not below the grade of commander may be detailed as Deputy Chief of Naval Personnel.

(Aug. 10, 1956, ch. 1041, 70A Stat. 287, §5141; Pub. L. 96-513, title V, §503(11), Dec. 12, 1980, 94 Stat. 2912; Pub. L. 114-328, div. A, title V, §502(bb)(1), (2), Dec. 23, 2016, 130 Stat. 2105; renumbered §8081, Pub. L. 115-232, div. A, title VIII, §807(a)(2), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5141(a) .....	5 U.S.C. 432. 5 U.S.C. 434 (less applicability to Chief of BuOrd).	R.S. 421. R.S. 422 (less applicability to Chief of BuOrd, Bureau of Equipment and Recruiting, and BuDocks); May 13, 1942, ch. 303, §1, 56 Stat. 276.
5141(b) .....	5 U.S.C. 446 (less last 49 words).	Mar. 3, 1893, ch. 212 (1st par., less last 53 words), 27 Stat. 717; May 13, 1942, ch. 303, §1, 56 Stat. 276.

In subsection (a) the words “from officers on the active list in the line of the Navy” are substituted for the words “from the list of officers of the Navy” to conform to current terminology. Line officers alone had the “grade” of commander when the source statute was enacted. The words “or from officers having the rank of captain in the staff corps of the Navy” are omitted as obsolete in view of subsequent changes in the staff corps and in the staff corps ranks and grades. These words were derived from the Act of Mar. 3, 1871, ch. 117, §10, 16 Stat. 537, which established new staff corps grades and assigned to officers in the highest grade the relative rank of captain. They were probably intended merely to assure the eligibility of senior staff corps officers for appointment as chiefs of appropriate staff bureaus. However, as incorporated in R.S. 421, they provide a category of eligible officers which is an alternative to each of the categories listed in R.S. 422-426.