

of this title, an officer so appointed shall be considered an additional number in grade.”

2002—Subsec. (c). Pub. L. 107-314 substituted “for promotion to the grade of rear admiral, in the case of an officer in the Nurse Corps, or rear admiral (lower half), in the case of an officer in the Medical Service Corps” for “for promotion to the grade of rear admiral (lower half)” in first sentence.

1991—Subsec. (c). Pub. L. 102-190 substituted “section 526” for “section 544”.

1987—Subsec. (c). Pub. L. 100-26 made technical amendment to directory language of Pub. L. 99-661, §1343(a)(23). See 1986 Amendment note below.

1986—Pub. L. 99-433 renumbered section 5155 of this title as this section.

Subsec. (c). Pub. L. 99-661, as amended by Pub. L. 100-26, substituted “rear admiral (lower half)” for “commodore”.

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

Pub. L. 97-22 substituted “Nurse Corps or in the Medical Service Corps (if such corps has been established under subsection (a)) for promotion to the grade of commodore admiral” for “Nurse Corps or Medical Service Corps for promotion to the grade of commodore admiral or rear admiral, as appropriate”, substituted “An officer promoted pursuant to such a selection shall be appointed by the Secretary to the position of Director of the Nurse Corps or Director of the Medical Service Corps, respectively, for a term of four years, to serve at the pleasure of the Secretary” for “An officer so selected shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years to serve in the position, respectively, of Director of the Nurse Corps or Director of the Medical Service Corps”, and inserted provision that for the purpose of computing the total number of flag officers in the staff corps of the Navy under section 5444 of this title, an officer so appointed shall be considered an additional number in grade.

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 1987 AMENDMENT

Amendment by Pub. L. 100-26 applicable as if included in Pub. L. 99-661 when enacted on Nov. 14, 1986, see section 12(a) of Pub. L. 100-26, set out as a note under section 776 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

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513 and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. of Pub. L. 96-513, set out as a note under section 611 of this title.

PART II—PERSONNEL

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AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(f)(2), Aug. 13, 2018, 132 Stat. 1838, redesignated items for chapters 533 to 577 as 811 to 847 and redesignated section numbers 5441 to 6521 as 8101 to 8392. Section numbers were conformed to the first section appearing in each chapter after renumbering by Pub. L. 115-232 to reflect the probable intent of Congress.

1994—Pub. L. 103-337, div. A, title XVI, §1673(a)(3), Oct. 5, 1994, 108 Stat. 3015, struck out items for chapters 531 “Strength of Naval Reserve and Marine Corps Reserve”, 541 “Running Mates for Reserve Officers”, and 549 “Reserve Promotions”.

1980—Pub. L. 96-513, title V, §503(16), Dec. 12, 1980, 94 Stat. 2912, inserted “of Naval Reserve and Marine Corps Reserve” after “Strength” in item for chapter 531, inserted “for Reserve Officers” after “Running Mates” in item for chapter 541, struck out item for chapter 543 “Selection Boards”, added item for chapter 544, and struck out items for chapter 545 “Promotions” and for chapter 547 “Examinations for Promotion”.

1958—Pub. L. 85-861, §1(134), Sept. 2, 1958, 72 Stat. 1507, added item for chapter 549.

SUSPENSION OF CERTAIN SECTIONS OF TITLE 10 AND AMENDMENTS TO OFFICER PERSONNEL ACT OF 1947

Act Aug. 10, 1956, ch. 1041, §48, 70A Stat. 639, as amended by Pub. L. 109-163, div. A, title V, §515(h), Jan. 6, 2006, 119 Stat. 3237, provided that:

“SEC. 48. (a) Except as they may apply to women officers of the Regular Navy or the Regular Marine Corps appointed under [former] section 5590 of title 10, United States Code, enacted by section 1 of this Act, the following sections of title 10 cease to operate whenever the number of male officers serving on active duty in the grade of ensign or above in the line of the Navy does not exceed the number of male officers holding permanent appointments in the grade of ensign or above on the active list in the line of the Regular Navy: Sections 5505 [former 10 U.S.C. 5505], 5508 [now 8118], 5596 [now 8146], [former] 5651-5663, [former] 5701-5703, [former] 5705-5711, [former] 5751, [former] 5753-5759, [former] 5761, [former] 5762, [former] 5764-5770, [former] 5785, [former] 5786, [former] 5791, 6371-6384 [10 U.S.C. 6371, 6383 now 10 U.S.C. 8371, 8372; former 10 U.S.C. 6372-6382, 6384], [former] 6386, [former] 6407.

“(b) For the purposes of subsection (a), the following officers may not be considered officers serving on active duty:

- “(1) Retired officers.
“(2) Officers of the Navy Reserve assigned to active duty for training.
“(3) Officers of the Navy Reserve ordered to active duty in connection with organizing, administering, recruiting, instructing, or drilling the Navy Reserve or the Marine Corps Reserve.
“(4) Officers of the Navy Reserve ordered to temporary active duty for the purpose of prosecuting special work.