

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.

§ 8103. Suspension: preceding sections

The President, during a war or national emergency, may suspend any provision of the preceding sections of this chapter. Such a suspension may not continue beyond September 30 of the fiscal year following that in which the war or national emergency ends.

(Aug. 10, 1956, ch. 1041, 70A Stat. 312, §5451; Pub. L. 94-273, §2(3), Apr. 21, 1976, 90 Stat. 375; Pub. L. 96-513, title V, §503(22), Dec. 12, 1980, 94 Stat. 2913; Pub. L. 102-190, div. A, title X, §1061(a)(21), Dec. 5, 1991, 105 Stat. 1473; renumbered §8103, Pub. L. 115-232, div. A, title VIII, §807(b)(1), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5451(a)	34 U.S.C. 3e.	Aug. 7, 1947, ch. 512, §426(c); added June 30, 1951, ch. 196, §1(h), 65 Stat. 109.
5451(b)	34 U.S.C. 5a-1.	May 5, 1954, ch. 180, §403 68 Stat. 70.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5451 of this title as this section.

1991—Pub. L. 102-190 substituted “The President” for “(a) Except as provided in subsection (b), the President” and struck out subsec. (b) which authorized President to suspend provisions of sections 5442, 5443, and 5444 of this title only during war or national emergency declared by Congress or President after May 5, 1954.

1980—Subsec. (b). Pub. L. 96-513 struck out “relating to officers serving in grades above lieutenant in the Navy or captain in the Marine Corps” after “and 5444 of this title”.

1976—Subsec. (a). Pub. L. 94-273 substituted “September” for “June”.

Statutory Notes and Related Subsidiaries

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.

CHAPTER 812—GRADE AND RANK OF OFFICERS

Sec.

8111. Navy: grades above chief warrant officer, W-5.
 8112. Marine Corps: grades above chief warrant officer, W-5.
 8113. Navy and Marine Corps: warrant officer grades.
 8118. Rank of line and staff corps officers of the Navy and officers of the Marine Corps.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(2)(B), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 535 of this title as this chapter and items 5501 to 5503 and 5508 as 8111 to 8113 and 8118, respectively.

1994—Pub. L. 103-337, div. A, title XVI, §1673(d)(2), Oct. 5, 1994, 108 Stat. 3016, struck out item 5506 “Naval Reserve and Marine Corps Reserve; officers: precedence”.

1991—Pub. L. 102-190, div. A, title XI, §1131(8)(B), Dec. 5, 1991, 105 Stat. 1506, substituted “W-5” for “W-4” in items 5501 and 5502.

1980—Pub. L. 96-513, title V, §§503(25), 513(10), Dec. 12, 1980, 94 Stat. 2913, 2932, struck out items 5504 “Lineal lists: maintenance”, 5505 “Reserve officers: change of lineal position”, and 5507 “Rear admirals: determination of upper half”.

1958—Pub. L. 85-861, §1(114)(B), Sept. 2, 1958, 72 Stat. 1493, added item 5506.

§ 8111. Navy: grades above chief warrant officer, W-5

The commissioned grades in the Navy above the grade of chief warrant officer, W-5, are the following:

- (1) Admiral.
- (2) Vice admiral.
- (3) Rear admiral.
- (4) Rear admiral (lower half).
- (5) Captain.
- (6) Commander.
- (7) Lieutenant commander.
- (8) Lieutenant.
- (9) Lieutenant (junior grade).
- (10) Ensign.

(Aug. 10, 1956, ch. 1041, 70A Stat. 314, §5501; Pub. L. 96-513, title III, §301, Dec. 12, 1980, 94 Stat. 2887; Pub. L. 97-86, title IV, §405(a), Dec. 1, 1981, 95 Stat. 1105; Pub. L. 99-145, title V, §514(a)(1), Nov. 8, 1985, 99 Stat. 628; Pub. L. 102-190, div. A, title XI, §1131(8)(A), Dec. 5, 1991, 105 Stat. 1506; renumbered §8111, 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)
5501(a)	34 U.S.C. 1.	R.S. 1362; Mar. 3, 1883, ch. 97, §1 (2d par. on p. 472, as applicable to masters and junior grade lieutenants), 22 Stat. 472; Mar. 3, 1899, ch. 413, §7 (1st sentence, less proviso), 30 Stat. 1005.
	34 U.S.C. 211d(a) (as applicable to grades of admiral and vice admiral).	Aug. 7, 1947, ch. 512, §413(a) (as applicable to grades of admiral and vice admiral), 61 Stat. 875.
	34 U.S.C. 10a (1st sentence).	Aug. 7, 1947, ch. 512, §405 (1st sentence), 61 Stat. 872.
5501(b)	34 U.S.C. 350e (1st sentence).	July 24, 1941, ch. 320, §6 (1st sentence), 55 Stat. 604; Apr. 9, 1943, ch. 38, §1, 57 Stat. 59; Oct. 12, 1949, ch. 681, §531(b)(28), 63 Stat. 839.

The Act of July 24, 1941, ch. 320, as amended (34 U.S.C. 350 et seq.), and §413 of the Officer Personnel Act of 1947 (34 U.S.C. 211d) provide for the temporary appointment of officers to grades up to and including admiral. Staff corps officers, women officers, and reserve officers are not excluded from the operation of the provisions of the 1941 Act. Since authority exists for the appointment of

officers of any category in any grade in the Navy, the existence of every grade in the several staff corps and in the Naval Reserve is recognized, and the restriction of these grades to the active list of the line is removed.

The grade of Fleet Admiral is omitted inasmuch as the law authorizing appointments in this grade was limited.

In subsection (a) the words “above the grade of chief warrant officer, W-4” are inserted for clarity.

Subsection (c) is added to make clear the fact that an officer serving in a position, such as chief of bureau, which entitles him to the rank, pay, and allowances of a rear admiral of the upper half ranks rear admirals receiving the pay and allowances of the lower half even though he has not been appointed to the grade of rear admiral or, if so appointed, is in the lower half. A statement of this fact is necessary to give full effect to 5 U.S.C. 441 which provides that chiefs of bureaus of the Navy Department and the Judge Advocate General of the Navy, while so serving, shall have “corresponding rank and shall receive the same pay and allowances * * * as * * * chiefs of bureaus of the War Department and the Judge Advocate General of the Army”. The rank so conferred, corresponding to the Army rank of major general, is rear admiral of the upper half. In §§5133 and 5148 of this title, based on 5 U.S.C. 441, the reference to the Army rank is eliminated and the corresponding Navy rank is substituted. The substitution is made because, as stated in the revision notes on 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).

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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

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

Editorial Notes

AMENDMENTS

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