

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5942(b) .....	34 U.S.C. 735 (4th par.).	June 24, 1926, ch. 668, § 3 (4th par.), 44 Stat. 767.
5942(c) .....	34 U.S.C. 735 (7th par.).	June 24, 1926, ch. 668, § 3 (7th par.), 44 Stat. 767.

The last proviso of § 8 of the Act of July 12, 1921, ch. 44 (34 U.S.C. 734), was superseded by paragraphs 4, 5, and 7 of § 3 of the Act of June 24, 1926, ch. 668 (34 U.S.C. 735), insofar as ships and activities mentioned in those paragraphs are concerned. The requirements of this section are stated as conditions of eligibility for clarity.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5942 of this title as this section.

2014—Subsec. (a). Pub. L. 113–291 designated existing provisions as par. (1) and added par. (2).

1970—Subsec. (a). Pub. L. 91–198 substituted “naval flight officer” for “naval aviation observer”.

Subsecs. (b), (c). Pub. L. 91–198 inserted “or naval flight officer” after “naval aviator”.

**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.

**§ 8163. Naval shipyards**

Commanders of naval shipyards may be selected by the President from officers of the Navy not below the grade of commander.

(Aug. 10, 1956, ch. 1041, 70A Stat. 371, § 5943; renumbered § 8163, Pub. L. 115–232, div. A, title VIII, § 807(b)(5), 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>
5943 .....	34 U.S.C. 501.	R.S. 1542.

The words “Commanders of naval shipyards” are substituted for the words “commandants of the several navy yards” to conform to present terminology. The words “of the Navy” are inserted for clarity.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5943 of this title as this section.

**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.

**§ 8164. Marine Corps officers: limitation on power to command**

Officers of the Marine Corps may not command vessels or naval shipyards.

(Aug. 10, 1956, ch. 1041, 70A Stat. 371, § 5944; renumbered § 8164, Pub. L. 115–232, div. A, title VIII, § 807(b)(5), 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>
5944 .....	34 U.S.C. 713.	R.S. 1617.

The words “of the United States” are omitted as surplusage. The word “command” is substituted for the words “exercise command over any”.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5944 of this title as this section.

**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.

**§ 8165. Staff corps officers: limitation on power to command**

An officer in a staff corps may command only such activities as are appropriate to his corps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 371, § 5945; Pub. L. 90–130, § 1(21), Nov. 8, 1967, 81 Stat. 380; renumbered § 8165, Pub. L. 115–232, div. A, title VIII, § 807(b)(5), 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>
5945 .....	34 U.S.C. 253.	R.S. 1488; Mar. 3, 1899, ch. 413, § 7 (3d proviso of 2d sentence, and 3d sentence), 30 Stat. 1006; June 24, 1910, ch. 378, 36 Stat. 614 (3d proviso).
	34 U.S.C. 30h (1st 23 words).	Aug. 4, 1947, ch. 459, § 207 (1st 23 words), 61 Stat. 738; renumbered § 206, Aug. 7, 1947, ch. 512, § 433(b), 61 Stat. 881.
	34 U.S.C. 43d (proviso).	Apr. 16, 1947, ch. 38, § 205 (proviso), 61 Stat. 48.

The provision of § 7 of the Act of March 3, 1899 (*supra*), relating to relative rank is omitted as executed. The provision that the rank conferred upon staff corps officers shall not change their titles is omitted because these titles were abolished by § 405 of the Officer Personnel Act of 1947 (34 U.S.C. 10a) and the corresponding line grades substituted. The cited proviso in the Act of June 24, 1910 (34 U.S.C. 253 (proviso)) is omitted as obsolete because the officers referred to were officers of the Construction Corps which has been abolished.

The first sentence of this section is phrased so as to reflect the accepted meaning of the cited provision. 34 U.S.C. 253, as worded, if interpreted literally, could be held to prohibit, for example, the assignment of members of the Medical Service Corps, Nurse Corps, and Hospital Corps to duty under officers of the Medical Corps, despite the fact that all of these corps were established by law within the Medical Department of the Navy. The provision is not so interpreted. It is understood to restrict only the types of activities that staff corps officers may command, and not to restrict to a single corps the personnel who may be assigned to an activity commanded by a staff corps officer.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5945 of this title as this section.

1967—Pub. L. 90-130 struck out provision that an officer in the Nurse Corps may not exercise command.

#### 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.

#### § 8166. Precedence accorded commanding officers

The commanding officer of a vessel or of a naval station takes precedence over all officers under his command.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372, § 5946; renumbered § 8166, Pub. L. 115-232, div. A, title VIII, § 807(b)(5), Aug. 13, 2018, 132 Stat. 1834.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5946 .....	34 U.S.C. 246.	R.S. 1468.

The word “placed” is omitted as surplusage. The words “of war” are omitted to avoid an erroneous implication that the section does not apply to the commanding officers of noncombatant ships of the Navy. As of the date of enactment of R.S. 1468, all vessels of the Navy were “vessels of war”; the elimination of the words, therefore, preserves the purpose of the statute.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5946 of this title as this section.

#### 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.

#### § 8167. Requirement of exemplary conduct

All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372, § 5947; renumbered § 8167, Pub. L. 115-232, div. A, title VIII, § 807(b)(5), Aug. 13, 2018, 132 Stat. 1834.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5947 .....	34 U.S.C. 265.	May 5, 1950, ch. 169, § 7(c), 64 Stat. 146.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5947 of this title as this section.

#### 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.

#### § 8168. Consular powers: senior officer present afloat

In any foreign port where there is no resident consul of the United States, or on the high seas, the senior officer present afloat has the powers of a consul in relation to mariners of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372, § 5948; renumbered § 8168, Pub. L. 115-232, div. A, title VIII, § 807(b)(5), Aug. 13, 2018, 132 Stat. 1834.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5948 .....	34 U.S.C. 217.	R.S. 1433.

The words “the senior officer present afloat” are substituted for the words “The commanding officer of any fleet, squadron, or vessel acting singly”. At the time of enactment of the Revised Statutes, the word “squadron” meant any number of vessels more than one. Today the concept of “senior officer present afloat” covers as nearly as possible the current equivalent of the original statute.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5948 of this title as this section.

#### 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.

#### § 8169. Policy as to leave and liberty

The commanding officer of a vessel shall favor the faithful and obedient in granting leave and liberty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 372, § 5949; renumbered § 8169, Pub. L. 115-232, div. A, title VIII, § 807(b)(5), Aug. 13, 2018, 132 Stat. 1834.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5949 .....	34 U.S.C. 220.	R.S. 1431.

The words “to exercise carefully a discrimination in” are omitted as surplusage. The words “leave and liberty” are substituted for “temporary leave of absence and liberty on shore” to conform to modern terminology.