

grade above warrant officer, W-1. It includes, unless otherwise specified, a member who holds a permanent enlisted grade or the permanent grade of warrant officer, W-1, and a temporary appointment in a grade above warrant officer, W-1.

(7) The term “warrant officer” means a member of the naval service serving in a warrant officer grade. It includes, unless otherwise specified, a member who holds a permanent enlisted grade and a temporary appointment in a warrant officer grade.

(8) The term “officer restricted in the performance of duty” means an officer of the Navy designated for engineering duty, aeronautical engineering duty, special duty, or limited duty, or an officer of the Marine Corps designated for limited duty.

(b) For the purposes of this subtitle, a member of the naval service who holds a temporary appointment in a grade higher than his permanent grade is considered, unless otherwise specified, to be serving in the higher grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 276; Pub. L. 87-123, §5(1), Aug. 3, 1961, 75 Stat. 264; Pub. L. 96-513, title III, §371, title V, §513(2), Dec. 12, 1980, 94 Stat. 2903, 2931; Pub. L. 100-26, §7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 109-163, div. A, title V, §515(b)(1)(E), Jan. 6, 2006, 119 Stat. 3233.)

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

1987—Subsec. (a). Pub. L. 100-26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in pars. (3) to (8) and substituted lowercase letter.

1980—Subsec. (a)(3). Pub. L. 96-513, §513(2), struck out “, male or female,” after “person”.

Subsec. (a)(9), (10). Pub. L. 96-513, §371, struck out pars. (9) and (10) which defined the active lists of the Navy and the Marine Corps, respectively. See section 101 of this title.

1961—Subsec. (a)(8). Pub. L. 87-123 struck out provisions which related to Marine Corps officers designated for supply duty.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 371 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.

Amendment by section 513(2) of Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513.

CHAPTER 503—DEPARTMENT OF THE NAVY

- Sec.
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AMENDMENTS

2006—Pub. L. 109-163, div. A, title IX, §904(d)(2), Jan. 6, 2006, 119 Stat. 3401, added item 5028.

2002—Pub. L. 107-314, div. A, title V, §504(d)(1)(B), Dec. 2, 2002, 116 Stat. 2532, added item 5027.

1998—Pub. L. 105-261, div. A, title IX, §935(b), Oct. 17, 1998, 112 Stat. 2110, added item 5026.

1990—Pub. L. 101-510, div. A, title IX, §910(b)(2), Nov. 5, 1990, 104 Stat. 1625, struck out item 5021 “Office of Naval Research: Chief; appointment, term, emoluments; Assistant Chief; succession to duties”.

1988—Pub. L. 100-456, div. A, title VII, §702(b)(3), Sept. 29, 1988, 102 Stat. 1995, added item 5025.

1986—Pub. L. 99-433, title V, §511(f), Oct. 1, 1986, 100 Stat. 1048, amended analysis generally, substituting items 5011 to 5024 for former items 5011 to 5014.

1964—Pub. L. 88-426, title III, §305(40)(B), Aug. 14, 1964, 78 Stat. 427, struck out item 5014 “Compensation of General Counsel”.

1958—Pub. L. 85-861, §1(106)(B), Sept. 2, 1958, 72 Stat. 1490, added item 5014.

§ 5011. Organization

The Department of the Navy is separately organized under the Secretary of the Navy. It operates under the authority, direction, and control of the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 277; Pub. L. 87-651, title II, §212, Sept. 7, 1962, 76 Stat. 524; Pub. L. 99-433, title V, §511(b)(2), (c)(1), Oct. 1, 1986, 100 Stat. 1043.)

HISTORICAL AND REVISION NOTES

1956 ACT

The Act of July 26, 1947, ch. 343, as amended (5 U.S.C. 411a(a)) which is the National Security Act of 1947, defined “Department of the Navy”. The Acts of Mar. 5, 1948, ch. 98 (5 U.S.C. 423a(a)), and Aug. 2, 1946, ch. 756 (5 U.S.C. 421g) defined “Naval Establishment”. The terms “Department of the Navy” and “Naval Establishment” are considered to be synonymous. All three definitions were considered, but the phraseology adopted is that of the National Security Act of 1947. The phrase “as a service in the Navy” is substituted for “as a part of the Navy” to conform to the provisions of title 14.

1962 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
5011	5:171a(c)(7) (1st sentence, less applicability to Departments of Army and Air Force).	July 26, 1947, ch. 343, §202(c)(7) (1st sentence, less applicability to Departments of Army and Air Force); added Aug. 6, 1958, Pub. L. 85-599, §3(a) (1st sentence of 8th par., less applicability to Departments of Army and Air Force), 72 Stat. 516.

The words “to include naval aviation and the United States Marine Corps” are omitted as covered by the first sentence of section 5011. The word “operates” is substituted for the words “shall function”.

AMENDMENTS

1986—Pub. L. 99-433, §511(c)(1), substituted “Organization” for “Composition” in section catchline.

Pub. L. 99-433, §511(b)(2), struck out the last two sentences which read as follows: "It is composed of the executive part of the Department of the Navy; the Headquarters, United States Marine Corps; the entire operating forces, including naval aviation, of the United States Navy and of the United States Marine Corps, and the reserve components of those operating forces; and all field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy. It includes the United States Coast Guard when it is operating as a service in the Navy." See section 5061 of this title.

1962—Pub. L. 87-651 inserted sentences providing that the Department of the Navy is separately organized under the Secretary of the Navy, and that it operates under the authority, direction, and control of the Secretary of Defense.

§ 5012. Department of the Navy: seal

The Secretary of the Navy shall have a seal for the Department of the Navy. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

(Added Pub. L. 99-433, title V, §511(c)(2), Oct. 1, 1986, 100 Stat. 1043.)

PRIOR PROVISIONS

A prior section 5012 was renumbered section 5062 of this title.

§ 5013. Secretary of the Navy

(a)(1) There is a Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Navy.

(2) A person may not be appointed as Secretary of the Navy within five years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Navy is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Navy, including the following functions:

- (1) Recruiting.
- (2) Organizing.
- (3) Supplying.
- (4) Equipping (including research and development).
- (5) Training.
- (6) Servicing.
- (7) Mobilizing.
- (8) Demobilizing.
- (9) Administering (including the morale and welfare of personnel).
- (10) Maintaining.
- (11) The construction, outfitting, and repair of military equipment.
- (12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Navy is also responsible to the Secretary of Defense for—

- (1) the functioning and efficiency of the Department of the Navy;

(2) the formulation of policies and programs by the Department of the Navy that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Navy;

(4) carrying out the functions of the Department of the Navy so as to fulfill the current and future operational requirements of the unified and specified combatant commands;

(5) effective cooperation and coordination between the Department of the Navy and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

(6) the presentation and justification of the positions of the Department of the Navy on the plans, programs, and policies of the Department of Defense; and

(7) the effective supervision and control of the intelligence activities of the Department of the Navy.

(d) The Secretary of the Navy is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

(e) After first informing the Secretary of Defense, the Secretary of the Navy may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

(f) The Secretary of the Navy may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries of the Navy. Officers of the Navy and the Marine Corps shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

(g) The Secretary of the Navy may—

(1) assign, detail, and prescribe the duties of members of the Navy and Marine Corps and civilian personnel of the Department of the Navy;

(2) change the title of any officer or activity of the Department of the Navy not prescribed by law; and

(3) prescribe regulations to carry out his functions, powers, and duties under this title.

(Added Pub. L. 99-433, title V, §511(c)(2), Oct. 1, 1986, 100 Stat. 1043; amended Pub. L. 99-661, div. A, title V, §534, Nov. 14, 1986, 100 Stat. 3873; Pub. L. 108-136, div. A, title IX, §901, Nov. 24, 2003, 117 Stat. 1558.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5031 of this title prior to enactment of Pub. L. 99-433.

A prior section 5013 was renumbered section 5063 of this title.

AMENDMENTS

2003—Subsec. (c)(4). Pub. L. 108-136 struck out "(to the maximum extent practicable)" after "fulfill".

1986—Subsec. (a)(2). Pub. L. 99-661 substituted "five years" for "10 years".