

REFERENCES IN TEXT

Section 3347 of title 5, referred to in text, was repealed and a new section 3347 was enacted by Pub. L. 105-277, div. C, title I, §151(b), Oct. 21, 1998, 112 Stat. 2681-611, and, as so enacted, no longer contains provisions authorizing the President to direct temporary successors to duties. See section 3345 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5036 of this title prior to enactment of Pub. L. 99-433.

AMENDMENTS

1994—Pars. (3) to (5). Pub. L. 103-337 added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Navy, see Ex. Ord. No. 12879, Nov. 8, 1993, 58 F.R. 59929, listed in a table under section 3345 of Title 5.

**§ 5018. Administrative Assistant**

The Secretary of the Navy may appoint an Administrative Assistant in the Office of the Secretary of the Navy. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

(Added Pub. L. 99-433, title V, §511(c)(4), Oct. 1, 1986, 100 Stat. 1047.)

**§ 5019. General Counsel**

(a) There is a General Counsel of the Department of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The General Counsel shall perform such functions as the Secretary of the Navy may prescribe.

(Added Pub. L. 99-433, title V, §511(c)(4), Oct. 1, 1986, 100 Stat. 1047; amended Pub. L. 100-456, div. A, title VII, §703(a), Sept. 29, 1988, 102 Stat. 1996.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 inserted “, by and with the advice and consent of the Senate” before period at end.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable to appointments made under this section on and after Sept. 29, 1988, see section 703(c) of Pub. L. 100-456, set out as a note under section 3019 of this title.

**§ 5020. Naval Inspector General: detail; duties**

(a) There is in the Office of the Secretary of the Navy the Office of the Naval Inspector General. The Naval Inspector General shall be detailed from officers on the active-duty list in the line of the Navy serving in grades above captain.

(b) The Naval Inspector General, when directed, shall inquire into and report upon any matter that affects the discipline or military efficiency of the Department of the Navy. He shall make such inspections, investigations, and reports as the Secretary of the Navy or the Chief of Naval Operations directs.

(c) The Naval Inspector General shall cooperate fully with the Inspector General of the De-

partment of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Navy.

(d) The Naval Inspector General shall periodically propose programs of inspections to the Secretary of the Navy and shall recommend additional inspections and investigations as may appear appropriate.

(Aug. 10, 1956, ch. 1041, 70A Stat. 283, §5088; Pub. L. 96-513, title V, §503(7), Dec. 12, 1980, 94 Stat. 2911; renumbered §5020 and amended Pub. L. 99-433, title V, §511(c)(5), Oct. 1, 1986, 100 Stat. 1047.)

HISTORICAL AND REVISION NOTES

| Revised section    | Source (U.S. Code)  | Source (Statutes at Large)   |
|--------------------|---|--|
| 5088(a), (b), (c). | 5 U.S.C. 423f.  | Mar. 5, 1948, ch. 98, §6, 62 Stat. 68.   |
| 5088(d) .....      | 5 U.S.C. 423k (as applicable to the Naval Inspector General). | Mar. 5, 1948, ch. 98, §11, 62 Stat. 69 (as applicable to the Naval Inspector General). |

In subsection (a) the words “In addition to the divisions herein created” are omitted as surplusage. The word “detailed” is added in order to show that the position of the Inspector General is not an appointive office.

In subsection (c) the words “from time to time” are omitted as surplusage.

Subsection (d) is worded to make clear that the Naval Inspector General may be designated, under 34 U.S.C. 211d, as an officer who performs unusual or special duty, and, if so designated, is entitled to the grade, pay, and retirement privilege accompanying the special designation. The words “under section 5231 of this title” are substituted for the words “grade, rank, pay, and allowances provided under any provision of law heretofore or hereafter enacted which authorizes such grade, rank, pay, and allowances for officers so designated”.

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (c), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-433, §511(c)(5)(A), substituted “Office of the Secretary of Navy” for “Office of the Chief of Naval Operations”.

Subsec. (c). Pub. L. 99-433, §511(c)(5)(B), (C), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 99-433, §511(c)(5)(B), redesignated former subsec. (c) as (d) and substituted “Secretary of the Navy” for “Chief of Naval Operations”.

1980—Subsec. (a). Pub. L. 96-513, §503(7)(A), substituted “active-duty list” for “active list”.

Subsec. (d). Pub. L. 96-513, §503(7)(B), struck out subsec. (d) which authorized the President to designate the Naval Inspector General as an officer who performs special or unusual duty or duty of great importance and responsibility under section 5231 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.

**[§ 5021. Repealed. Pub. L. 101-510, div. A, title IX, § 910(a), Nov. 5, 1990, 104 Stat. 1625]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 290, §5150; Sept. 7, 1962, Pub. L. 87-649, §14(c)(22), (23), 76

Stat. 501; Dec. 12, 1980, Pub. L. 96-513, title V, § 503(12), 94 Stat. 2912; renumbered § 5021, Oct. 1, 1986, Pub. L. 99-433, title V, § 511(d), 100 Stat. 1048, related to Office of Naval Research in Office of Secretary of the Navy headed by Chief of Naval Research, appointment to, term, and emoluments of such office, prerequisite for designation as Assistant Chief of Naval Research, and succession of duties of such office.

#### § 5022. Office of Naval Research: duties

(a)(1) There is in the Office of the Secretary of the Navy an Office of Naval Research.

(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral.

(b) The Office of Naval Research shall perform such duties as the Secretary of the Navy prescribes relating to—

(1) the encouragement, promotion, planning, initiation, and coordination of naval research;

(2) the conduct of naval research in augmentation of and in conjunction with the research and development conducted by the bureaus and other agencies and offices of the Department of the Navy;

(3) the supervision, administration, and control of activities within or for the Department relating to patents, inventions, trademarks, copyrights, and royalty payments, and matters connected therewith; and

(4) the execution of, and management responsibility for, programs for which funds are provided in the basic and applied research and advanced technology categories of the Department of the Navy research, development, test, and evaluation budget in such a manner that will foster the transition of science and technology to higher levels of research, development, test, and evaluation.

(c) Sufficient information relative to estimates of appropriations for research by the several bureaus and offices shall be furnished to the Office of Naval Research to assist it in coordinating naval research and carrying out its other duties.

(d) The Office of Naval Research shall perform its duties under the authority of the Secretary, and its orders are considered as coming from the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 291, § 5151; renumbered § 5022, Pub. L. 99-433, title V, § 511(d), Oct. 1, 1986, 100 Stat. 1048; amended Pub. L. 101-510, div. A, title IX, § 910(b)(1), Nov. 5, 1990, 104 Stat. 1625; Pub. L. 104-201, div. A, title V, § 501(a), Sept. 23, 1996, 110 Stat. 2510; Pub. L. 106-398, § 1 [[div. A], title IX, § 904(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-225; Pub. L. 107-314, div. A, title V, § 504(f), Dec. 2, 2002, 116 Stat. 2533.)

In subsection (c) the words “shall have full force and effect as such” are omitted as surplusage.

#### AMENDMENTS

2002—Subsec. (a)(2). Pub. L. 107-314 struck out “(upper half)” after “rear admiral”.

2000—Subsec. (b)(4). Pub. L. 106-398 added par. (4).

1996—Subsec. (a). Pub. L. 104-201 designated existing provisions as par. (1) and added par. (2).

1990—Pub. L. 101-510 added subsec. (a) and redesignated former subsecs. (a) to (c) as (b) to (d), respectively.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title V, § 501(b), Sept. 23, 1996, 110 Stat. 2510, provided that: “Paragraph (2) of section 5022(a) of title 10, United States Code, as added by subsection (a), shall take effect upon the occurrence of the first vacancy in the position of Chief of Naval Research after the date of the enactment of this Act [Sept. 23, 1996].”

#### DEMONSTRATION PROJECT TO INCREASE SMALL BUSINESS AND UNIVERSITY PARTICIPATION IN OFFICE OF NAVAL RESEARCH EFFORTS TO EXTEND BENEFITS OF SCIENCE AND TECHNOLOGY RESEARCH TO FLEET

Pub. L. 107-107, div. A, title II, § 262, Dec. 28, 2001, 115 Stat. 1044, provided that:

“(a) PROJECT REQUIRED.—The Secretary of the Navy, acting through the Chief of Naval Research, shall carry out a demonstration project to increase access to Navy facilities of small businesses and universities that are engaged in science and technology research beneficial to the fleet.

“(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

“(1) establish and operate a Navy Technology Extension Center at a location to be selected by the Secretary;

“(2) permit participants in the Small Business Innovation Research Program (SBIR) and Small Business Technology Transfer Program (STTR) that are awarded contracts by the Office of Naval Research to access and use Navy Major Range Test Facilities Base (MRTFB) facilities selected by the Secretary for purposes of carrying out such contracts, and charge such participants for such access and use at the same established rates that Department of Defense customers are charged; and

“(3) permit universities, institutions of higher learning, and federally funded research and development centers collaborating with participants referred to in paragraph (2) to access and use such facilities for such purposes, and charge such entities for such access and use at such rates.

“(c) PERIOD OF PROJECT.—The demonstration project shall be carried out during the three-year period beginning on the date of the enactment of this Act [Dec. 28, 2001].

“(d) REPORT.—Not later than February 1, 2004, the Secretary shall submit to Congress a report on the demonstration project. The report shall include a description of the activities carried out under the demonstration project and any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.”

#### § 5023. Office of Naval Research: appropriations; time limit

(a) Sums appropriated for the Office of Naval Research may be used to pay the cost of performing its duties under section 5022 of this title including the cost of—

- (1) administration;
- (2) conduct of research and development work in Government facilities; and
- (3) conduct of research and development work under contracts with individuals, cor-

#### HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code)                      | Source (Statutes at Large)  |
|-----------------|---|---|
| 5151(a) .....   | 5 U.S.C. 475 (20th through 11th words). | Aug. 1, 1946, ch. 727, § 1 (22d through 114th words), 60 Stat. 779. |
| 5151(b) .....   | 5 U.S.C. 475d(a) (2d sentence).         | Aug. 1, 1946, ch. 727, § 5(a) (2d sentence), 60 Stat. 780.          |
| 5151(c) .....   | 5 U.S.C. 475 (2d sentence).             | Aug. 1, 1946, ch. 727, § 1 (2d sentence), 60 Stat. 779.             |