

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

(c) The Assistant Secretary shall maintain a five-year plan describing the activities the Department of the Navy proposes to conduct over the next five fiscal years to improve financial management. Such plan shall be revised annually.

(d) The Assistant Secretary of the Navy for Financial Management shall transmit to the Secretary of the Navy a report each year on the activities of the Assistant Secretary during the preceding year. Each such report shall include a description and analysis of the status of Department of the Navy financial management.

(Added Pub. L. 100-456, div. A, title VII, § 702(b)(2), Sept. 29, 1988, 102 Stat. 1994; amended Pub. L. 103-337, div. A, title X, § 1070(a)(15), Oct. 5, 1994, 108 Stat. 2856; Pub. L. 104-106, div. A, title XV, § 1503(b)(1), Feb. 10, 1996, 110 Stat. 512.)

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-106 substituted “Under Secretary of Defense (Comptroller)” for “Comptroller of the Department of Defense”.

1994—Subsec. (a)(1). Pub. L. 103-337 substituted “135(c)” for “137(c)”.

EFFECTIVE DATE

Section effective Jan. 20, 1989, see section 702(e)(1) of Pub. L. 100-456, set out as an Effective Date of 1988 Amendment note under section 3016 of this title.

§ 5026. Consultation with Commandant of the Marine Corps on major decisions directly concerning Marine Corps aviation

The Secretary of the Navy shall ensure that the views of the Commandant of the Marine Corps are given appropriate consideration before a major decision is made by an element of the Department of the Navy outside the Marine Corps on a matter that directly concerns Marine Corps aviation.

(Added Pub. L. 105-261, div. A, title IX, § 935(a), Oct. 17, 1998, 112 Stat. 2109.)

§ 5027. Chief of Legislative Affairs

(a) There is a Chief of Legislative Affairs in the Department of the Navy. An officer assigned to that position shall be an officer in the grade of rear admiral.

(b) The Chief of Legislative Affairs shall perform legislative affairs functions as specified for the Office of the Secretary of the Navy by section 5014(c)(1)(F) of this title.

(Added Pub. L. 107-314, div. A, title V, § 504(d)(1)(A), Dec. 2, 2002, 116 Stat. 2532.)

§ 5028. Director of Small Business Programs

(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Navy. The Director is appointed by the Secretary of the Navy.

(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the

Department of the Navy is the office that is established within the Department of the Navy under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Navy, and shall exercise such powers regarding those programs, as the Secretary of the Navy may prescribe.

(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.

(Added Pub. L. 109-163, div. A, title IX, § 904(d)(1), Jan. 6, 2006, 119 Stat. 3401.)

CHANGE OF NAME

The Director of Small and Disadvantaged Business Utilization of the Department of the Navy and the Office of Small and Disadvantaged Business Utilization of the Department of the Navy were redesignated the Director of Small Business Programs of the Department of the Navy and the Office of Small Business Programs of the Department of the Navy, respectively, by Pub. L. 109-163 which also provided that references to the former were deemed to refer to the latter. See section 904(a) of Pub. L. 109-163, set out as a note under section 144 of this title.

CHAPTER 505—OFFICE OF THE CHIEF OF NAVAL OPERATIONS

Sec. 5031.	Office of the Chief of Naval Operations: function; composition.
5032.	Office of the Chief of Naval Operations: general duties.
5033.	Chief of Naval Operations.
[5034.]	Repealed.]
5035.	Vice Chief of Naval Operations.
5036.	Deputy Chiefs of Naval Operations.
5037.	Assistant Chiefs of Naval Operations.
5038.	Director for Expeditionary Warfare.

AMENDMENTS

1996—Pub. L. 104-106, div. A, title V, § 502(d)(2), Feb. 10, 1996, 110 Stat. 293, struck out item 5034 “Chief of Naval Operations: retirement”.

1992—Pub. L. 102-484, div. A, title IX, § 935(b)(2), Oct. 23, 1992, 106 Stat. 2478, added item 5038.

1986—Pub. L. 99-433, title V, § 512(b), Oct. 1, 1986, 100 Stat. 1048, inserted heading for new chapter 505 relating to the Office of The Chief of Naval Operations, and items 5031 to 5037. The heading for former chapter 505 relating to Secretary, Under Secretary, and Assistant Secretaries of the Navy, and former items 5031 to 5036 were struck out as part of the repeal of former chapter 505 by Pub. L. 99-433, title V, § 511(e), Oct. 1, 1986, 100 Stat. 1048.

§ 5031. Office of the Chief of Naval Operations: function; composition

(a) There is in the executive part of the Department of the Navy an Office of the Chief of Naval Operations. The function of the Office of the Chief of Naval Operations is to assist the Secretary of the Navy in carrying out his responsibilities.

(b) The Office of the Chief of Naval Operations is composed of the following:

- (1) The Chief of Naval Operations.
- (2) The Vice Chief of Naval Operations.

- (3) The Deputy Chiefs of Naval Operations.
- (4) The Assistant Chiefs of Naval Operations.
- (5) The Surgeon General of the Navy.
- (6) The Chief of Naval Personnel.
- (7) The Chief of Chaplains of the Navy.
- (8) Other members of the Navy and Marine Corps assigned or detailed to the Office of the Chief of Naval Operations.

(9) Civilian employees in the Department of the Navy assigned or detailed to the Office of the Chief of Naval Operations.

(c) Except as otherwise specifically prescribed by law, the Office of the Chief of Naval Operations shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

(Added Pub. L. 99-433, title V, §512(b), Oct. 1, 1986, 100 Stat. 1048.)

PRIOR PROVISIONS

A prior section 5031, acts Aug. 10, 1956, ch. 1041, 70A Stat. 278; Sept. 2, 1958, Pub. L. 85-861, §1(107), 72 Stat. 1490; Sept. 7, 1962, Pub. L. 87-651, title II, §211, 76 Stat. 524; Aug. 14, 1964, Pub. L. 88-426, title III, §§305(4), 306(j)(3), 78 Stat. 422, 431; Oct. 14, 1981, Pub. L. 97-60, title II, §204(a)(1), 95 Stat. 1007, related to Secretary of the Navy and responsibilities of Secretary, prior to repeal by Pub. L. 99-433, §511(e). See section 5013 of this title.

§ 5032. Office of the Chief of Naval Operations: general duties

(a) The Office of the Chief of Naval Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Chief of Naval Operations.

(b) Under the authority, direction, and control of the Secretary of the Navy, the Office of the Chief of Naval Operations shall—

(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Navy, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Navy), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Navy, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Naval Operations;

(2) investigate and report upon the efficiency of the Navy and its preparation to support military operations by combatant commands;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) as directed by the Secretary or the Chief of Naval Operations, coordinate the action of organizations of the Navy; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

(Added Pub. L. 99-433, title V, §512(b), Oct. 1, 1986, 100 Stat. 1049.)

PRIOR PROVISIONS

A prior section 5032 was renumbered section 5013a of this title.

§ 5033. Chief of Naval Operations

(a)(1) There is a Chief of Naval Operations, appointed by the President, by and with the advice

and consent of the Senate. The Chief of Naval Operations shall be appointed for a term of four years, from the flag officers of the Navy. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

(2) The President may appoint an officer as the Chief of Naval Operations only if—

(A) the officer has had significant experience in joint duty assignments; and

(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(f) of this title) as a flag officer.

(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

(b) The Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade. In the performance of his duties within the Department of the Navy, the Chief of Naval Operations takes precedence above all other officers of the naval service.

(c) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Chief of Naval Operations performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

(d) Subject to the authority, direction, and control of the Secretary of the Navy, the Chief of Naval Operations shall—

(1) preside over the Office of the Chief of Naval Operations;

(2) transmit the plans and recommendations of the Office of the Chief of Naval Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) after approval of the plans or recommendations of the Office of the Chief of Naval Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Navy and the Marine Corps as the Secretary determines;

(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

(e)(1) The Chief of Naval Operations shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

(2) To the extent that such action does not impair the independence of the Chief of Naval Operations in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Naval Operations shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of