

## AMENDMENTS

2016—Subsec. (f)(4). Pub. L. 114-328, §903(d)(1), substituted “time of war.” for “time of war or during a national emergency declared by the President or Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, or the Headquarters, Marine Corps.”

Subsec. (f)(5). Pub. L. 114-328, §903(d)(2), added par. (5).

2002—Subsec. (b)(6) to (8). Pub. L. 107-314 added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

2001—Subsec. (f)(3). Pub. L. 107-107 substituted “74” for “the number equal to 85 percent of the number of general and flag officers assigned or detailed to such duty on the date of the enactment of this subsection”.

1989—Subsec. (f)(5). Pub. L. 101-189 struck out par. (5) which read as follows: “The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.”

1988—Subsec. (c)(5). Pub. L. 100-456 added par. (5).

1987—Subsec. (f)(4). Pub. L. 100-180 inserted “the President or” after “declared by”.

## EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-456, div. A, title III, §325(d), Sept. 29, 1988, 102 Stat. 1955, provided that:

“(1) The requirements of sections 3014(c)(5), 5014(c)(5)(A), and 8014(c)(5) of title 10, United States Code (as added by subsections (a), (b), and (c), respectively), shall apply with respect to any person appointed on or after the date of the enactment of this Act [Sept. 29, 1988] as the head of the office or other entity designated for conducting the auditing function in a military department.

“(2) Subparagraph (B) of section 5014(c)(5) of title 10, United States Code (as added by subsection (b)), shall take effect at the end of the one-year period beginning on the date of the enactment of this Act.”

## EFFECTIVE DATE

Subsecs. (c) and (d) of this section to be implemented not later than 180 days after Oct. 1, 1986, see section 532(a) of Pub. L. 99-433, set out as a note under section 3014 of this title.

## EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL

Baseline personnel limitations in this section inapplicable to certain acquisition personnel and personnel hired pursuant to a shortage category designation for fiscal year 2009 and fiscal years thereafter, and Secretary of Defense or a secretary of a military department authorized to adjust such limitations for fiscal year 2009 and fiscal years thereafter, see section 1111 of Pub. L. 110-417, set out as a note under section 143 of this title.

## § 5015. Under Secretary of the Navy

(a) There is an Under Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

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

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5033 of this title prior to enactment of Pub. L. 99-433.

## 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.

## § 5016. Assistant Secretaries of the Navy

(a) There are four Assistant Secretaries of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy.

(3)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Financial Management.

(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(C) The principal responsibility of the Assistant Secretary shall be the exercise of the comptroller functions of the Department of the Navy, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Navy and shall advise the Secretary of the Navy on financial management.

(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Research, Development, and Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of research, development, and acquisition matters of the Department of the Navy.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be an officer of the Navy or the Marine Corps on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1733 of this title. In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.

(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, §702(b)[(1)], Sept. 29, 1988, 102 Stat. 1994; Pub. L. 110-181, div. A, title IX, §908(b), Jan. 28, 2008, 122 Stat. 278; Pub. L. 114-328, div. A, title V, §502(t), title VIII, §802(b), Dec. 23, 2016, 130 Stat. 2104, 2249; Pub. L. 115-91, div. A, title IX, §921(b), Dec. 12, 2017, 131 Stat. 1524.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5034 of this title prior to enactment of Pub. L. 99-433.

## AMENDMENTS

2017—Subsec. (b)(3). Pub. L. 115-91 designated first sentence as subpar. (A), designated second and third

sentences as subpar. (C) and, in subpar. (C), substituted “The principal responsibility of the Assistant Secretary shall be” for “The Assistant Secretary shall have as his principal responsibility”, and added subpar. (B).

2016—Subsec. (b)(4)(B). Pub. L. 114-328, §802(b), inserted at end “In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.”

Pub. L. 114-328, §502(t), substituted “an officer of the Navy or the Marine Corps” for “a vice admiral of the Navy or a lieutenant general of the Marine Corps”.

2008—Subsec. (b)(4). Pub. L. 110-181 added par. (4).

1988—Subsec. (b)(3). Pub. L. 100-456 added par. (3).

EFFECTIVE DATE OF 2017 AMENDMENT

For applicability of appointment qualifications imposed by section 921 of Pub. L. 115-91 to certain appointments made on or after Dec. 12, 2017, see section 921(d) of Pub. L. 115-91, set out as a note under section 3016 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

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

**§ 5017. Secretary of the Navy: successors to duties**

If the Secretary of the Navy dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347<sup>1</sup> of title 5, directs another person to perform those duties or until the absence or disability ceases:

- (1) The Under Secretary of the Navy.
- (2) The Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy and approved by the Secretary of Defense.
- (3) The General Counsel of the Department of the Navy.
- (4) The Chief of Naval Operations.
- (5) The Commandant of the Marine Corps.

(Added Pub. L. 99-433, title V, §511(c)(4), Oct. 1, 1986, 100 Stat. 1047; amended Pub. L. 103-337, div. A, title IX, §902(b), Oct. 5, 1994, 108 Stat. 2823.)

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

<sup>1</sup> See References in Text note below.

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 Department 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.